

Ordinance No. 570.

An ordinance providing for the attendance of witnesses, and the taking and forfeiture of bonds.

The city of Walla Walla does ordain as follows:

SECTION 1. That in the trial of any cause for the violation of any city ordinance, the city justice of the peace may cause a summons to be issued summoning any person within said city to attend said trial as a witness.

SEC. 2. It shall be the duty of any police officer, when called upon by the justice of the peace so to do, to serve such summons, and any person failing or refusing, without good cause, to answer such summons may be arrested on a bench warrant issued by the city justice and brought before the said justice, and may for failure to answer said summons be fined in any sum not to exceed five dollars.

SEC. 3. In case of conviction each witness shall be allowed a fee for each attendance of one dollar and the same shall be taxed as costs against the defendant, but in no case, except when otherwise authorized by the council, shall the city be held liable for any witness fees.

SEC. 4. No person in the employ of the city shall be entitled to witness fees.

SEC. 5. All costs shall be certified to in the monthly report of the justice of the peace and shall be allowed and paid as other claims against the city.

SEC. 6. The city justice of the peace, or any regular police officer of the city of Walla Walla, at the time of arresting any person for the violation of any city ordinance, may release such person upon the deposit of a cash bond with such officer, the amount thereof to be fixed by the officer making the arrest; provided, that in no instance shall a bond of less than five nor more than one hundred dollars be demanded.

SEC. 7. At the time of taking of any bond the officer receiving the same shall cite the person under arrest to appear for trial before the city justice of the peace at a given time, not more than two days' time distant, and shall also inform the said person under arrest that a failure to appear before the justice at the time indicated will work a forfeiture of the bond.

SEC. 8. Any officer taking such bond, prior to the time such person is cited to appear for trial, shall deposit the bond in his possession with the justice of the peace, and shall also file a complaint against the person under arrest, charging said person under his true name, if the same is known or can be learned by the officer, with the offense committed, and a failure so to do, without good excuse, shall be deemed a sufficient cause for the removal of such officer.

SEC. 9. Upon the failure of any person cited, under the provisions of this act, to appear at the proper time before the justice of the peace, the justice shall declare the bond forfeited and shall cause a bench warrant to issue for such person, and if the person can be found within the city, the justice shall proceed to try the person on the charge contained in the complaint.

Passed the council September 4, 1896.

JOHN E. WILLIAMS, City Clerk.
Approved September 4, 1896.

JACOB BETZ, Mayor.

*with the original and it is a correct copy thereof as of the same date.
Witness my hand this 22nd day of September 1896. John E. Williams City Clerk.*

Ordinance No. 571.

An ordinance providing for the cleaning out and covering of small streams and ditches within the city of Walla Walla. The city of Walla Walla does ordain as follows:

SECTION 1. That all persons owning real property within the city of Walla Walla through, over or across which any creek, flume, open or irrigation ditch, other Mill Creek and Garrison Creek passes, shall upon receiving notice so to do from the street commissioner, clean out and cover or box such stream or ditch, or cause the same to be done; provided that the board of health has first declared said stream or ditch to be foul and dangerous to the maintenance of health within the city.

SEC. 2. Said cover or box shall consist of lumber at least two inches in thickness, or of other material such as may be approved by the street commissioner.

SEC. 3. It shall be the duty of the street commissioner, acting in conjunction with the board of health, to notify all persons owning property over, through and across which any stream or ditch, which has been condemned as above described, passes, which notice is to be given either personally or by posting a notice for ten days on the property, that such stream or ditch shall be cleaned out and covered, and any person or persons failing for ten days to properly clean out and cover or box any stream or ditch, as herein provided, after being notified by the street commissioner so to do, shall be guilty of a misdemeanor, and may be fined in any sum not to exceed one hundred dollars.

SEC. 4. It shall be the duty of the street commissioner to notify all persons owning property through, over and across which streams or ditches as afore described pass to clean out and cover or box the same in accordance with the provisions of this ordinance, and, if any person or persons fail for the period of ten days to properly clean out and box or cover such stream or ditch after being notified so to do by the street commissioner, the street commissioner shall proceed at the expense of the city to perform said work, and the cost thereof shall be entered on the tax roll as, and shall constitute a lien against the property over, through and across which any stream or ditch passes, which has been cleaned out, covered or boxed at the expense of the city, and all amounts so charged up on the tax roll shall be collected in the same manner as is prescribed for the collection of taxes.

SEC. 5. This ordinance is to be in force from and after its passage, approval and publication.

Passed the council September 4, 1896.

JOHN E. WILLIAMS, City Clerk.

Approved September 4, 1896.

JACOB BETZ, Mayor.

*Original and it is a correct copy thereof and of the whole thereof.
Witness my hand this 22 day of September, 1896, John E. Williams City Clerk*

Correct copy of Ordinance No. 571, and same is now being printed and will be the

in County

Sta
bit
J.
La
L

The city of Walla Walla does ordain as follows:

SEC. 2. It shall be the duty of any police officer, when called upon by the justice of the peace so to do, to serve such summons, and any person failing or refusing, without good cause, to answer such summons may be arrested on a bench warrant issued by the city justice and brought before the said justice, and may for failure to answer said summons be fined in any sum not to exceed five dollars.

SEC. 4. No person in the employ of the city shall be entitled to witness fees.

Sec. 6. The city justice of the peace, or any regular police officer of the city of Walla Walla, at the time of arresting any person for the violation of any city ordinance, may release such person upon the deposit of a cash bond with such officer, the amount thereof to be fixed by the officer making the arrest; provided, that in no instance shall a bond of less than five nor more than one hundred dollars be demanded.

Sec. 8. Any officer taking such bond, prior to the time such person is cited to appear for trial, shall deposit the bond in his possession with the justice of the peace, and shall also file a complaint against the person under arrest, charging said person under his true name, if the same is known or can be learned by the officer, with the offense committed, and a failure so to do, without good excuse, shall be deemed a sufficient cause for the removal of such officer.

JOHN E. WILLIAMS, City Clerk.

JACOB BETZ, Mayor.

with the original and it is a correct copy. Doneg m^o 9 m^o 1896.
 Please my hand this 22nd day of September 1896, John D. Williams City Clerk.

State of Washington }
City of Walla Walla } SS

I John E. Williams, City Clerk of the City of Walla Walla, Walla Walla County
Washington do hereby certify that the within Ordinance to be a full true and
correct copy of Ordinance No 571. That I have compared the same with the
original and it is a correct copy thereof and of the whole thereof.
Witness my hand this 22 day of September, 1896, John E. Williams City Clerk

Otherwise
barren of results for his
see is in town on legal

Johnson left last Friday
vauston, Ill., to pursue
les. Before leaving he
ty farewell reception by
urches and citizens in

Preston and Miss Ruth
d in the Dayton public
upon their duties on

demmy will open on the
he delay in procuring
, they will be unable to
uilding this term.

Richardson has returned
ip to Portland.

, wife and daughter
om their trip to the

d family accompanied
nsbee, of Walla Walla,
rip to the "Paradise"
Mrs. Alcorn and Mrs.
s, Mr. and Mrs. James

cently of Oregon, has
here.

ncon Mrs. Purrington
a to Mrs. J. H. Hudgin
ke her home in Spo
n and family have lived
years and it goes with-
they will be greatly

derson delightfully en
of friends on Tuesday

ters of Mount Lebanon
t than anybody else, is
and how to be healthy.
led the power of food.
ve to a ripe old age.
igestive Cordial is pre-
akers from herbs and
ecial tonic power over

stomach digest its food,
d is the strength and



LIBRARY
OF THE
UNIVERSITY
OF ILLINOIS

352.0797

W 15or
1896



An Ordinance to regulate the riding of bicycles and tricycles within the city of Walla Walla, to provide a penalty for the violation thereof, and to repeal inconsistent ordinances.

The city of Walla Walla does ordain as follows:

SECTION 1. That it shall be unlawful for any person or persons to ride a bicycle or tricycle upon any sidewalk upon Main street or Alder street, between the westerly line of Palouse street and the easterly line of Sixth street, or upon any of the cross streets between Palouse street and Sixth street extending from Rose street to Alder street; and it shall be unlawful for any person or persons to ride a bicycle or tricycle upon the south side of Rose street between Palouse street and Sixth street.

SEC. 2. It shall be unlawful for any person or persons to ride any bicycle or tricycle upon any sidewalk or foot path within the city of Walla Walla at a greater speed than six miles an hour, and it shall be unlawful for any person or persons to ride a bicycle or tricycle upon any of the public streets of said city at a greater speed than eight miles per hour.

SEC. 3. It shall be unlawful for any person or persons to ride a bicycle unless the same is provided with a bell and it shall be unlawful for any person or persons to ride any bicycle upon any of the sidewalks or foot paths or streets within the city when too dark for such person to see and distinguish other persons one hundred feet away unless there is displayed upon said bicycle a lighted lantern of some approved make.

SEC. 4. It shall be unlawful for any person or persons to ride any bicycle upon any sidewalk or foot path at a speed greater than four miles per hour, within thirty feet of any person who may be walking or standing upon such walk or foot path.

SEC. 5. It shall be unlawful for any person or persons riding a bicycle to approach nearer than fifty feet to any person walking or standing upon any sidewalk or foot path, unless said rider shall not less than fifty or more than one

RIDE THE FOWLER

hundred feet from such person sound a signal with the bell provided on said bicycle.

SEC. 6. It shall be unlawful for any person or persons to ride a bicycle upon any sidewalk within the city past any child under eight years of age, or any woman, but it shall be the duty of each bicycle rider to dismount at least twenty feet from any such child, or woman.

SEC. 7. It shall be unlawful for any person or persons riding a bicycle or tricycle upon any sidewalk or foot path in the said city to approach within thirty feet of or pass any street or alley intersection at a greater speed than four miles per hour, unless such intersection is so far free from obstruction that such rider can while thirty feet distant from the intersecting corner, see any foot passenger, bicycle rider, or vehicle, should there be any approaching such intersecting corner or alley, at a point distant not more than thirty feet from the intersecting corner.

SEC. 8. It shall be unlawful for any person or persons riding a bicycle upon any sidewalk or foot path within the city of Walla Walla to pass any street or alley intersecting said sidewalk or foot path without sounding an alarm upon a bicycle bell at a point not less than fifty feet or more than 100 feet from the corner of intersection.

SEC. 9. It shall be unlawful, on any day commonly known as Sunday, to ride a bicycle upon any sidewalk or foot path within the city, or upon the sidewalk leading from the city to the city cemetery.

SEC. 10. In the event of a collision between a bicycle rider or riders and any other person, the fact of such collision shall be prima facie evidence that the bicycle rider or riders had violated such provisions of this ordinance as such rider may be charged with having violated.

SEC. 11. It shall not be unlawful to ride a bicycle, except as by this ordinance prohibited, and so much of section 38 of an ordinance concerning streets as is in conflict with this ordinance is hereby repealed.

SEC. 12. Any person or persons violating any of the provisions of this ordinance shall, on conviction thereof, be fined in any sum not less than \$5.00 or more than \$50.00.

SEC. 13. This ordinance shall be in force from and after its passage, publication and approval.

Passed the Council March 16, 1897.

JOHN E. WILLIAMS, City Clerk.

Approved March 16, 1897.

JACOB BETZ, Mayor.

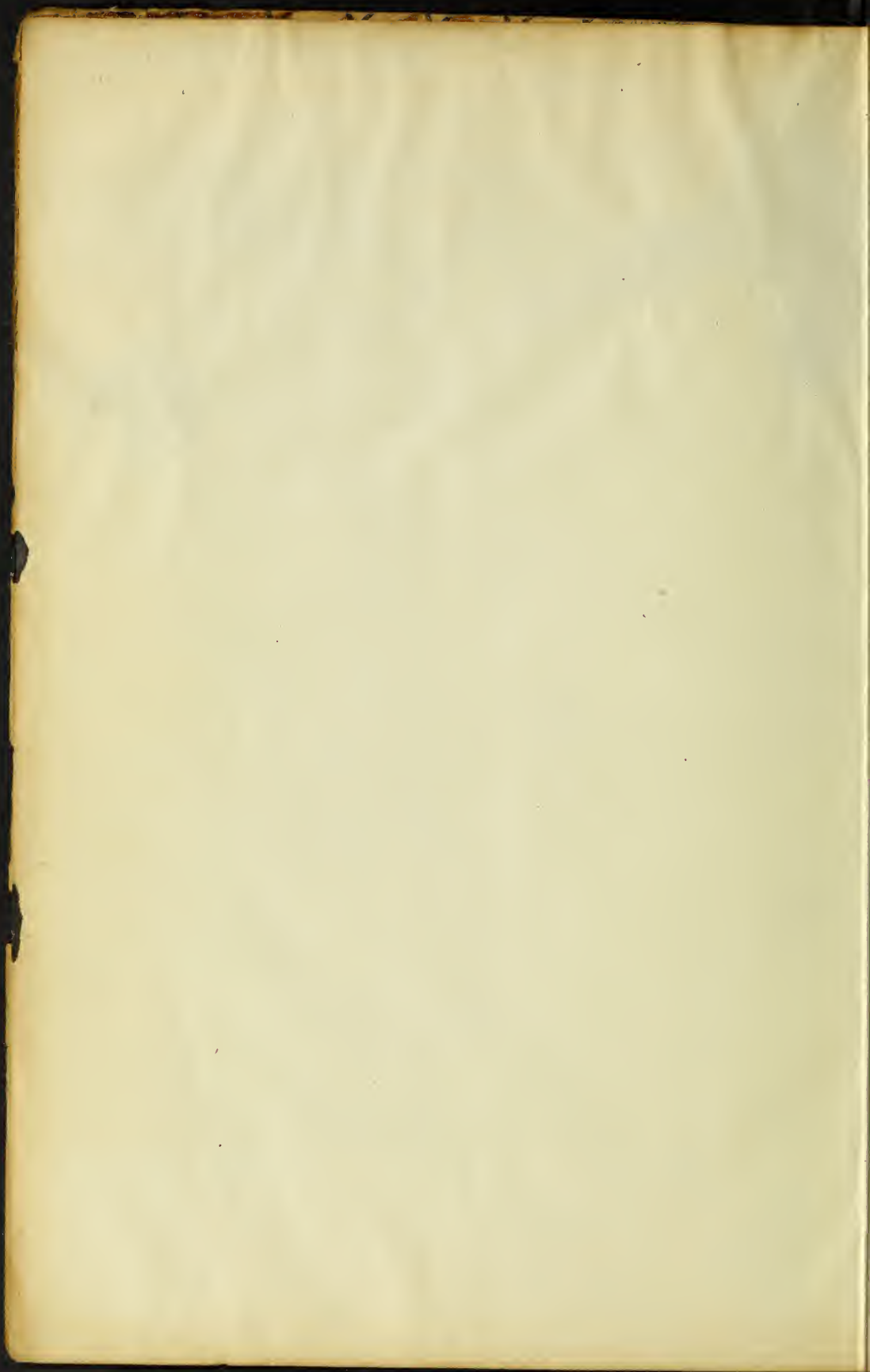
JULIUS A. LEVY.

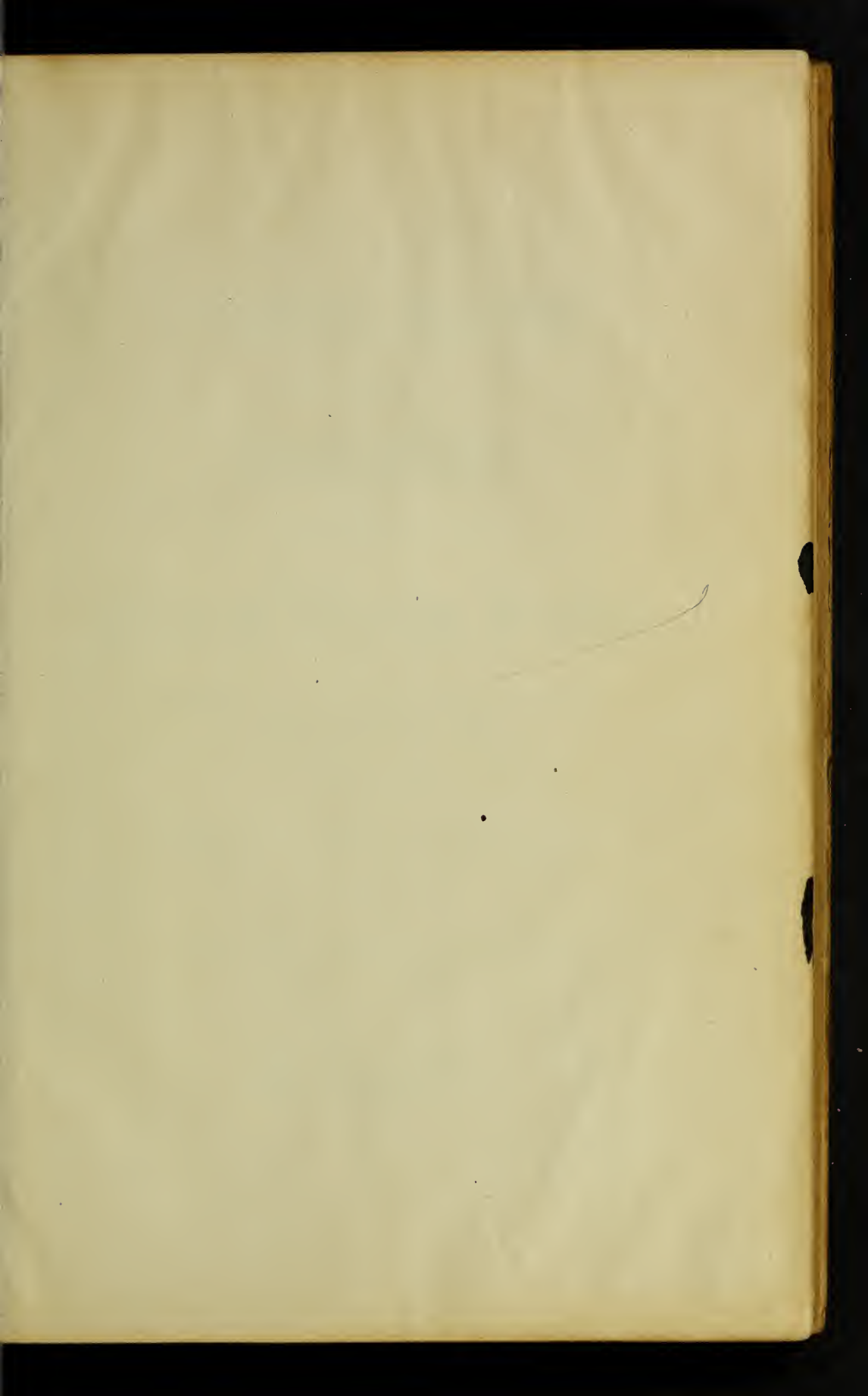
AGENT,

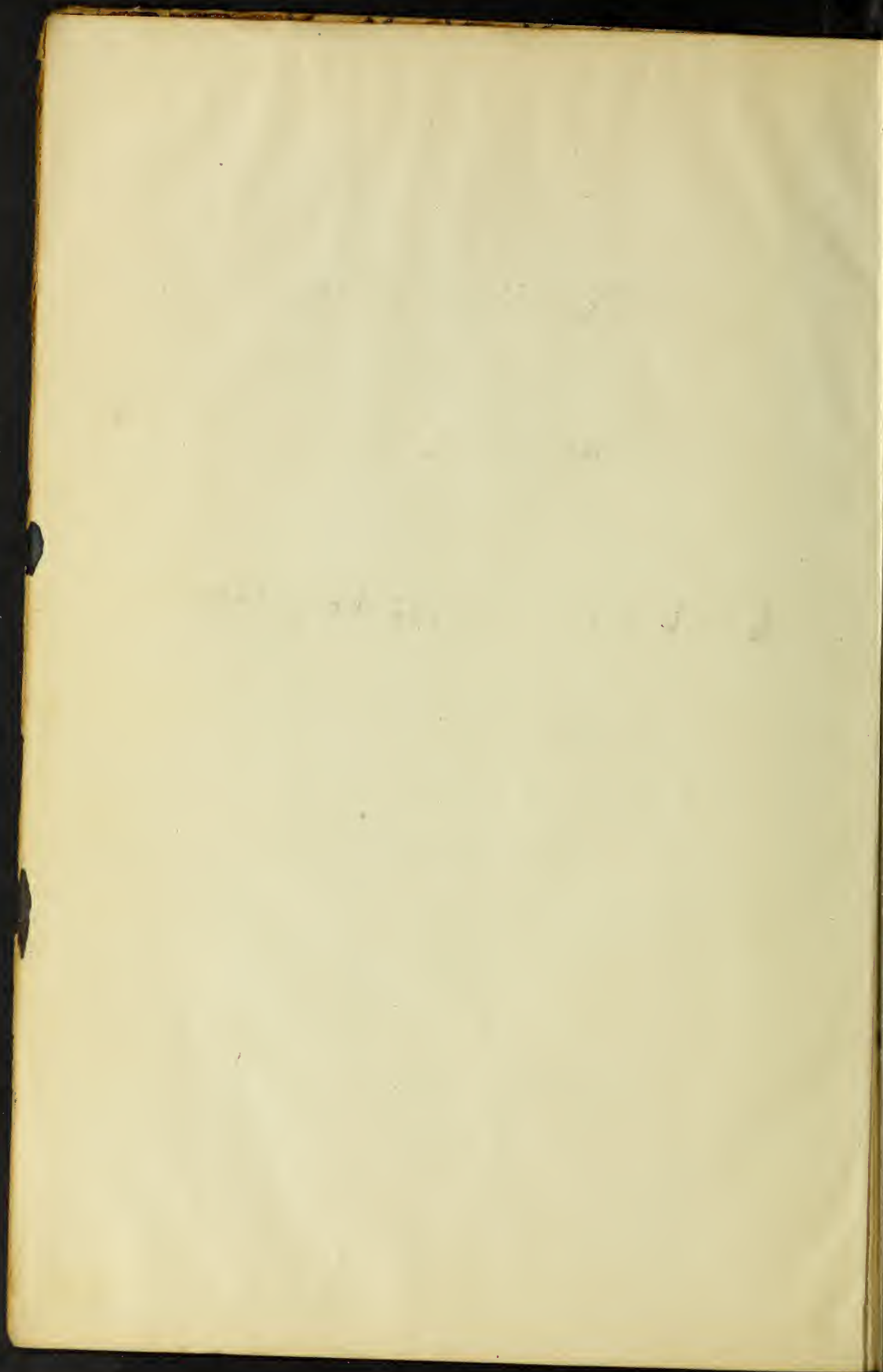
103 Main St.,

- - - -

Walla Walla







AMENDED CHARTER

— AND —

ORDINANCES

— OF THE —

City of Walla Walla

Together with General Laws of the State of
Washington Applicable Thereto.

Published by Authority of the City Council.

COMPILED AND ARRANGED BY ALEX MACKAY
AND W. T. DOVELL.

WALLA WALLA, WASHINGTON.
PRESS OF THE WALLA WALLA UNION:
1896.

1918
OFFICE OF THE
TREASURER



352.0797
W150v
1896

LIBRARY
UNIVERSITY OF ILLINOIS
CHAMPAIGN

WALLA WALLA CITY CHARTER.

23 Nov. 41 Dec. 42
An Act To Incorporate the City of Walla Walla, and to
Particularly Define the Powers Thereof.

CHAPTER I.

*Be it enacted by the Legislative Assembly of the Territory of Wash-
ington:*

Seto 18 miles 43 Danville
SECTION 1. That the corporate limits of the City of Walla Walla and the boundaries thereof shall be as follows: Beginning at the north-west corner of the northeast quarter of the northwest quarter of section nineteen (19,) township seven (7,) north of range thirty-six (36,) east Willamette meridian; thence south on sub-division lines to the north boundary of the United States Military Reserve; thence northeasterly along said boundary to the northeast corner of said Reserve; thence southeasterly along the eastern boundary of said Reserve to the south boundary of the northeast quarter of the southeast quarter of section thirty (30;) thence east on sub-division lines to the southeast corner of the northwest quarter of the southwest quarter of section twenty-eight (28;) thence north on sub-division lines to the northeast corner of the southwest quarter of the northwest quarter of section twenty-one (21;) thence west on sub-division lines to the northeast corner of the south-west quarter of the northeast quarter of section twenty (20;) thence north on sub-division line to the northeast corner of the northwest quarter of

1179291

the northeast quarter of section twenty (20) and on north boundary of said section; thence west on north boundaries of sections twenty (20) and nineteen (19,) to the place of beginning.

SEC. 2. The inhabitants within the City of Walla Walla are hereby constituted and declared to be a municipal corporation by the name and style of the "City of Walla Walla," and by that name shall have perpetual succession, and may sue or be sued, plead or be impleaded in all courts of justice, contract and be contracted with, and have and use a common seal, and alter the same at pleasure.

CHAPTER II.

POWERS OF THE CORPORATION.

SECTION 3. The City of Walla Walla has power to assess, levy and collect taxes for general municipal purposes, not to exceed one-half per centum per annum, upon all property, both real and personal, within the city which is by law taxable for territorial and county purposes, and to levy and collect special taxes as hereinafter provided, but all taxes for general and special municipal purposes shall not exceed in any year one and one-half per centum on the property assessed. Provided, however, that the above limitations shall not apply to local assessments in assessment districts.

SEC. 4. The City of Walla Walla shall have power to make regulations for prevention of accidents by fire. To organize and establish fire departments, and shall have control thereof, and ordain rules for the government of the same. To provide fire engines and other apparatus, and a sufficient supply of water, and to levy and collect special taxes for these purposes, not to exceed in any year three-tenths of one per centum upon the taxable property within the city, and on petition of the owners of one-half of the ground included within any prescribed limits within the city, to prohibit the erection within such limits of any building, or any addition to any building, unless the outer walls thereof be made of brick and mortar and iron, or stone and mortar, and to provide for the removal of any building, or any addition erected contrary to such prohibition.¹

SEC. 5. The City of Walla Walla may regulate and provide as to the manner in which all lands and additions to the city shall be sub-

¹ Such a grant of power held sufficient to entitle city to pass fire limit ordinance. *Olympia v. Mann*, 1 Wash., 389. As to right of council to define limits under such power, see *Dillon on Mun. Corp.*, p. 94-5.

divided into lots, blocks, streets and alleys, and the width, distance apart and direction of each street and alley, and the manner in which a plat shall be made thereof and where filed, and the kind of monuments in all parts of the city, and place and manner of erection and maintenance thereof, to prevent mistakes and confusion of boundaries, and may cause an official map of said City to be made and kept for public inspection, which plat certified by the City Surveyor, shall be prima facie evidence that the lines as they appear thereon are correct, and all surveys made by the City Surveyor whatever, at the instance and expense of the City, or private parties, shall be official surveys, and a minute thereof shall be kept by the City Surveyor as a part of his official records, and shall be prima facie evidence of their own correctness, and the City has power to enforce this by ordinance, and to compel the establishment and maintenance of such monuments, and to fine or imprison, or both, for a violation thereof, and when the boundary or existence of any public street, alley, basement or square is in doubt, and the land claimed by a private party, the City may file a bill in equity to determine the right thereto.¹

SEC. 6. The City of Walla Walla has power to purchase, or condemn, and enter upon and take any lands within or without its territorial limits for public squares, streets, parks, commons, cemeteries, hospital grounds or to be used for work houses, or houses of correction, or any other proper and legitimate municipal purpose, and to enclose, ornament and improve the same, and to erect necessary public buildings thereon, and for these purposes may levy and collect special taxes, not exceeding one-fifth of one per cent in any year. The City shall have entire control of such buildings, and all land purchased, or condemned, under the provisions of this section, and of all streets, highways, squares and other public grounds within its limits, established or appropriated to public use by authority of law, or which have been, or may be hereafter, dedicated to public use by any person or persons, and has power to regulate and improve the same, and in case such lands are deemed unsuitable or insufficient for the purpose intended, to dispose of and convey the same; and conveyances of such property executed in the manner that may be prescribed by ordinance, shall be held to extinguish all rights and claims of said City on the public, existing prior to such conveyance, but when such lands are so disposed of, and conveyed, enough thereof shall be reserved for streets to accommodate adjoining property owners.²

SEC. 7. The City of Walla Walla has power to provide for the lighting of streets, and furnishing the City with lights, and for the erection

¹ See title IX, chap. XII, Hill's Code, (Supra).

² See Laws 1890, p. 294, (Supra).

or construction of such works as may be necessary and convenient therefor, and has power to levy and collect for these objects a special tax not exceeding one-fifth of one per centum per annum upon the taxable property within the limits of the City for the benefit of such lights.

SEC. 8. The City of Walla Walla shall have power to provide for clearing, opening, vacating, graveling, improving and repairing of streets, highways and alleys, to gutter the same and to construct and repair sidewalks, and build bridges and for the prevention and removal of all obstructions therefrom, or from any cross or sidewalk, also to regulate cellar ways, and cellar lights, or sidewalks within the city, and to provide for cleaning the streets and to establish the grade thereof, also for constructing sewers and cleaning and repairing the same, and have power to assess, levy and collect each year a road poll tax of not less than two nor more than six dollars on every male inhabitant of the city between the ages of twenty-one and fifty years, except actual and exempt members of the fire department, and except persons that are a public charge, also a special tax on property of not less than two nor more than six mills on every dollar's worth of property within the city which taxes shall be expended for the purposes specified in this section, and there shall not be levied or collected by the County of Walla Walla or the officers thereof any road tax or road-poll tax upon the property or inhabitants within said city.

SEC. 9. The City of Walla Walla shall have power to cause every person to keep his property or the property he occupies or controls and the adjacent streets and alleys clean and free from all things dangerous to health or offensive to the senses or dangerous to travelers, and to keep said streets and alleys free from inflammable material and to cause owners of public halls and other buildings to provide suitable means of exit, to abate all nuisances and provide for the public safety.

SEC. 10. The City of Walla Walla is hereby authorized to grant the right to use the streets of said city for the purpose of laying gas and other pipes intended to furnish the inhabitants of said city with light or water to any persons or association of persons for a term not exceeding twenty-five years, and to authorize or forbid the location and laying down of tracks for railways and street railways, telegraph and telephone appliances on all streets, alleys and public places, but no railway track can thus be located and laid down until after the injury to streets, alleys and to property abutting upon the street, alley or public place upon which such track is proposed to be located and laid down has been ascertained and compensated in the manner provided for compensation of injuries arising from regrade of streets in Section 99 of this Act. Provided always that none of the rights or privileges herein granted shall be exclusive nor prevent the council from granting the same right to others.

SEC. 11. The City of Walla Walla shall have power to erect and maintain water-works within or without the City limits or to authorize the erection of the same for the purpose of furnishing the city, or the inhabitants thereof, with a sufficient supply of water and for the purpose of maintaining and protecting the same from injury, and the water from pollution, its jurisdiction shall extend over the territory occupied by such works and all reservoirs, streams springs, trenches, pipes and drains used in and necessary for the construction, maintenance and operation of the same, and over the stream or source from which the water is taken for five miles above the point from which it is taken, and to enact all ordinances and regulations necessary to carry the power herein conferred into effect, but no water works shall be erected by the city until a majority of the voters, who shall be those only who are freeholders¹ in the city, or pay a property tax therein, on not less than five hundred dollar's worth of property, shall at a general or special election vote for the same. Such proposition shall be formulated and submitted not less than thirty days before election.

SEC. 12. Said City is hereby authorized and empowered to condemn and appropriate so much private property as shall be necessary for the construction and operation of such water works and shall have power to purchase or condemn water works already erected, or which may be erected, and may mortgage or hypothecate the same to secure to the persons from whom the same may be purchased the payment of the purchase price thereof, said city shall have power to regulate and sell the water thus brought therein, and the moneys arising therefrom shall constitute a fund to be used to defray the expenses of operating the same and to pay the purchase price thereof, and said city may levy and collect a special tax each year until the necessity therefor ceases to exist, not to exceed two-tenths of one per centum. Provided, however, no such tax shall be levied or collected until the question has been submitted, as provided in Section Eleven (11) of this Act, to electors as therein named, and a majority thereof at an election shall favor the same.

SEC. 13. The City of Walla Walla shall have power to provide for, and by ordinance adopt such a system of sewerage, as may be needed, but no moneys shall be expended for pipes, mains or material to be used therefor until the system proposed, and the cost therefor has been ascertained and submitted for ratification or rejection to the qualified voters, as prescribed in section 12, of said City at an annual or special

¹ Abrogated by Article VI, State Constitution.

² As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved February 4, 1886.

election, and the expenditure therefor be authorized by a majority of such voters. Provided that this section shall not prohibit construction of sewers under Chapter 10, of this Act.

SEC. 14. The City of Walla Walla shall have power to make regulations to prevent the introduction and spread of contagious diseases in the City; to remove persons affected with such or other diseases therefrom to suitable hospitals provided by the City for that purpose and to provide for their support during their sickness only, and provide that solvent persons and their estates shall pay for the expense of keeping them in such hospital. Provided, however, that persons shall not be removed from their own home without their consent, but the City may quarantine any house wherein a contagious disease exists, or the whole City.

SEC. 15. The City of Walla Walla shall have power to make regulations and pass ordinances preventing domestic and other animals from running at large within the City limits, and restrain, impound and forfeit such animals, and may sell the same when forfeited and apply the proceeds as it deems expedient, and in the case of dogs may cause them to be killed or sold when they are found running at large without license, and may also impose a license tax on dogs within the City.

SEC. 16. The City of Walla Walla shall have power to regulate, license and tax all carts, drays, wagons, carriages, coaches and omnibuses and other vehicles kept for hire, and to fix the rates thereof; to license, tax and regulate or prohibit theatrical shows and other exhibitions; to license, tax and regulate auctioneers, hawkers, peddlers, bankers, brokers and pawnbrokers; to license, tax, regulate, prohibit and restrain drinking saloons and beer shops and breweries, or other places where intoxicating or other beverages are sold or disposed of in less quantities than one gallon. Provided, however, that no license shall be required of apothecaries or druggists for the sale of wines, spirits or malt liquors for medical purposes only, when prescribed by regular practicing physicians; to license, tax and regulate wash houses, slaughter houses and abbatoirs, and to license and tax all hotels, livery stables, business houses and wholesale and retail business of every kind and description. Provided, that no tax shall be imposed or license required for the sale in said City of any of the natural products of the country when sold by the producer.

SEC. 17. The City of Walla Walla has power to establish and maintain a day and night police, which shall consist of the Marshal and his deputies, and regulate their number, pay and duties.

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved February 4, 1886.

SEC. 18. The City of Walla Walla shall have power to prohibit, regulate or restrain houses of ill-fame, gambling or gambling houses, opium-smoking houses and the confiscation of opium found therein, and to authorize the destruction of gaming devices and opium-smoking devices; to prohibit and restrain and abate disorderly houses; to regulate the transportation and keeping of gun-powder and other combustibles, and to provide for magazines for the keeping thereof, and license and tax such keeping, and punish any violation of such regulation by fine, imprisonment or forfeiture of the gun-powder or combustible kept or transported contrary to such regulation; to regulate the speed and manner in which animals or vehicles of all kinds, including locomotives or cars, shall be driven or allowed to run through the streets of said City; to prevent riots, assaults, assaults and batteries or affrays, noisy or disorderly assemblies within said City, and to prevent the maintenance of anything which is annoying, offensive or unhealthy whatever its nature, and to prevent all other acts which are misdemeanors at common law or by the statutes of the Territory of Washington, and may punish violations of the provisions of this section as provided in section 22.

SEC. 19. The City of Walla Walla shall have power to regulate the burial of the dead and to prevent any interments within the limits of the City, and cause any body interred contrary to such prohibition to be taken up and buried without the limits of the City, and have full jurisdiction over all cemeteries belonging to the City, whether within or without the City limits, and of the walks and ways leading from the City to such cemeteries and power to regulate, improve and protect the same in all respects and to punish by fine and imprisonment as provided in section 22 any violation of ordinances in respect to the same.

SEC. 20. The City of Walla Walla shall have power to establish and regulate markets, to provide for the measuring or weighing of hay, coal, wood or any other article.

SEC. 21. The City of Walla Walla shall have power to protect that City and the inhabitants thereof from the floods of Mill creek and other streams, and to that end may prescribe the width between the banks, prevent obstructions and cause the same to be removed; prescribe the places where embankments shall be made and the nature thereof and prescribe the duties of the owners of the land or shore of such stream as to putting in and maintaining protections against the overflow or washing thereof, and may punish by fine and imprisonment as provided in Section 22 any breach of said duty, and in case said duty is not performed, the City may construct such protection and recover the cost

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof,'" Approved February 4, 1886.

thereof from the owner on whose land the same is made. The owners of land or shore as above mentioned embraces all lands within one hundred and twenty feet of the middle channel of Mill creek.

SEC. 22. The City of Walla Walla shall have power to adopt proper ordinances for the government of the City and to carry into effect the powers given by this act, and to provide for the punishment of a violation of any ordinance of the City by a fine not exceeding three hundred dollars and costs, or by imprisonment not exceeding thirty days, or by both such fine and imprisonment, and in case of the default of the payment of such fine and costs, shall have power to imprison not to exceed one day for every two dollars, and such fine and costs may also be collected by execution against the property of the defendant and when so collected shall be credited on the judgment, and any person while imprisoned as aforesaid shall be compelled to work during the time he is so imprisoned at such hard labor as the Marshal shall direct.

SEC. 23. The City of Walla Walla shall have power to establish and regulate the fees and compensation of all its officers, except when otherwise provided, and have such other power and privileges not here specifically enumerated as are incident to municipal corporations.

CHAPTER III.

GOVERNMENT.

SECTION 24. The power and authority hereby given to the City of Walla Walla by this act, shall be vested in a Mayor and Council together with such other officers as are in this act mentioned or may be created under its authority.

SEC. 25. The Council shall consist of seven members. They shall be elected for two years and shall hold their office until their successors are elected and qualified. Provided that the terms of members of the Council as fixed under the former charter shall continue in all respects as though this act had not been passed and all officers elected under the former charter shall hold their respective offices under this charter during the terms for which they were elected and until new officers are elected and qualified hereunder, at which time said terms shall cease.

SEC. 26. The Mayor shall be elected for one year, and shall hold his office until his successor is elected and qualified.

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved February 4, 1886.

SEC. 27. There shall be elected by the qualified voters of each annual election, as hereinafter provided, a Mayor, members of the Council, Treasurer, Justice of the Peace, Marshal, Street Commissioner, City Attorney, City Surveyor, City Clerk, Health Officer, Assessor, and City Sexton. Such other officers as may become necessary for the due execution of the powers herein conferred, shall be appointed by the City Council. All elective officers, except members of the Council, shall hold office for one year, or until their successors are elected and qualified. Such election shall be by ballot. The Justice of the Peace so elected shall be one of the Justices of the Peace duly elected under the laws of Washington Territory, and while acting in City matters may hold his office anywhere within the City. Such Justice of the Peace shall have jurisdiction over all crimes defined by any ordinance of the City and of all other actions brought to enforce or recover any penalty, forfeiture declared or given by any such ordinance, and full power and authority to hear and determine all causes, civil or criminal, arising under such ordinance and to pronounce judgment in accordance therewith. All civil or criminal proceedings before such Justice of the Peace under and by authority of this act shall be governed with and regulated by the general laws of this Territory relating to Justices of the Peace, and to their practice and jurisdiction, and shall be subject to review in the District Court of the proper district by certiorari, mandamus or appeal, the same as in other cases. Any elected officer may be suspended by the Council at a regular meeting. And if charges are not preferred and a copy thereof served on the suspended officer within ten days after his suspension, the officer shall be restored to duty. Trial on the charges must be held within ten days after service thereof, in the manner to be provided by ordinance. The Council may appoint at any time, a person to fill any one of the above named offices whenever the incumbent thereof is suspended, absent or sick, or unable from any cause to act; such appointments, however, shall cease whenever the disability is removed, and in case the term of office of the City Justice shall expire under Territorial law, the Council shall fill the vacancy and the Justice so appointed shall hold office until the next general election, and his successor is elected and qualified. The salary of none of such officers shall be increased or diminished during the term for which they were elected or appointed.

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved February 4, 1886.

CHAPTER IV.

ELECTIONS.

SECTION 28. ¹There shall be a general election for Mayor, members of the Council, Treasurer, Justice of the Peace, Marshal, Street Commissioner, City Attorney, City Surveyor, City Clerk, City Assessor, Health Officer, and City Sexton on the Second Monday of July of each year.

SEC. 29. That at all general elections the vote shall be by ballot at the time and place designated by the Council and the inspectors, judges and clerks to conduct the same shall also be appointed by the Council.

SEC. 30. The City Clerk shall give ten days' notice by publication in two newspapers each of different politics, if there be such published in said city, of such election, the officers to be elected, the place or places designated, and the names of the officers by whom the same is to be conducted.

SEC. 31. All elections shall commence at nine o'clock A. M. and continue until five o'clock of the same day without closing the polls.² If any judge of election fails to attend and serve at the proper time the voters of the ward then present may elect another in his place, and if any clerk fails to attend and serve at the proper time, the judges of the election may appoint another in his place.

SEC. 32. Inspectors, judges and clerks of election must possess the qualifications of voters in the ward where they act as such, but a mistake or error in this respect, or a failure to give notice required by Section 30 of this act shall not invalidate any election otherwise legal.

SEC. 33. No person is qualified to vote at any election under this act who is not entitled to the privilege of an elector according to the laws of the territory six months next preceding such election and who has not resided in the ward for ten days and who if under fifty years of age has not paid either a poll or property tax in such City for the fiscal year then last past except those exempted from taxation in section 8, such payment to be proved by the proper official receipt therefor, except when such receipt is lost or mislaid, when it may be proved by the oath of the person offering to vote.³ And all officers required to be elected by this act except those elected by the Common Council shall be elected by the qualified voters of the City.

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved February 4, 1886.

² See Title VIII, Chapter IV, Hill's Code (Supra.)

³ Abrogated by Article VI, State Constitution.

SEC. 34. On the first regular meeting of the Council next after such election the return thereof shall be canvassed and a written statement of such canvass shall be made and signed by the presiding officer of the Council and attested by and filed with the Clerk. Such written statement shall contain the whole number of votes given at such election, the number given for any person for any office, and the names of persons elected and to which office: Provided that if the requisite number of City officers shall not be elected by reason of two or more persons having an equal and the highest number of votes for one and the same office, the City Clerk shall give notice to the several persons so having the highest and an equal number of votes to attend the council chamber at an appointed time and the said Council shall then and there proceed publicly to decide by lot which of the persons so having the highest and an equal number of votes shall be deemed duly elected and a certificate of election shall be duly issued to the person thus declared elected as hereinafter provided.

SEC. 35. After such statement of the canvass is filed the Clerk shall make and sign within two days thereafter a certificate of election for each person declared thereby to be elected and deliver the same to him.

SEC. 36. A certificate of election is prima facie evidence of the facts therein stated, but the Council is the final judge of the qualifications and election of the Mayor and its own members.¹

SEC. 37. The term of office of every person elected to office under this act shall commence at 12 M. on the tenth day after the canvass of the election returns by the Council except as otherwise provided by this act and by such time such persons must qualify by taking and filing the oath of office and giving such official undertaking for the faithful performance of his duties as may be required or he shall be deemed to have declined, and the office shall be considered vacant except when there is a contest, in which case such person must qualify within ten days from the determination of such contest.

SEC. 38. All officers elected under this Act before entering upon the duties of their office, must take and file with the Clerk an oath of office to the following effect: "I, A. B., do solemnly swear (or affirm) that I will support the Constitution of the United States, the organic Act of this Territory and the laws made in conformity therewith, and that I will, to the best of my ability, faithfully perform the duties of the office of ——— during my continuance therein, so help me God." If the person affirms instead of the last clause, there must be added, "and this I promise under the pains and penalties of perjury."

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved, February 4, 1886.

SEC. 39. All laws of the Territory regulating and governing general elections and proceedings and matters incidental thereto, shall apply to and govern elections under this Act, except as herein otherwise provided.

SEC. 40. No person is eligible to any office in such municipal corporation, who at the time of his election or appointment is not entitled to the privilege of an elector according to the laws of this Territory, and who has not resided in said City for the six months next preceding such election or appointment.

CHAPTER V.

VACANCIES IN OFFICE.

SECTION 41. If any officer shall be absent from the City thirty days without leave of the Council, or shall die, or be disabled from performing his duty, or shall resign, or abscond, or be guilty of misdemeanor or breach of duty, the Council, by a five-sevenths vote, may declare his office vacant, and fill the vacancy with his successor.

SEC. 42. An officer appointed to fill a vacancy, must, within five days after being notified of the appointment by the Clerk, qualify therefor as in the case of an officer elected, or he shall be deemed to have declined and the office considered vacant.

CHAPTER VI.

ON THE ORGANIZATION AND POWERS OF THE COUNCIL.

SECTION 43. The City Council shall possess all the legislative power granted by this Act, shall be a board for the equalization of City taxes and have all other corporate powers of the City not herein, or by some ordinance of the City conferred on some other officer, and shall have the same powers and duties with reference to City assessments and taxes as those prescribed by existing law for the government of the board of County Commissioners in the matter of County assessments and taxes.

SEC. 44. The Council must provide for the time and place of its regular meetings, to any of which it may adjourn to the next regular

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved, February 4, 1886.

meeting, or to some time prior thereto, and it may be convened by the Mayor at any time upon a day's notice given to each of the members through the City Clerk.

SEC. 45. A majority of the members of the Council shall constitute a quorum to do business, but a less number may meet and adjourn from time to time and compel the attendance of absent members.

SEC. 46. The Council may adopt rules for the government of the conduct of its members and its proceedings, and in the absence of such rules shall be governed by the parliamentary laws applied to the government of legislative bodies, as modified by the rules last adopted by the Legislative Council of Washington Territory. It must keep a journal of its proceedings, and on the call of any one of its members, must cause the yeas and nays to be taken and entered in the journal upon any question before it. But upon a question to adjourn the yeas and nays shall not be taken, unless upon the call of four members. Its deliberations and proceedings must be public.

SEC. 47. The Council may punish any person or member for disorderly conduct at a meeting of the Council, and the manner of proceedings in a case of disorderly conduct and the penalty must be provided for by ordinance, but a member of the Council, for words uttered in debate during sessions of the board, shall not be questioned in any other place.

SEC. 48. The Mayor is ex-officio president of the Council and presides over its deliberations when in session. He is not entitled to vote but has authority to preserve order, enforce the rules of the Council and determine the order of business, subject to such rules, and to an appeal to the Council. If the Mayor should be absent at any meeting of the Council, the Council must appoint one of their own members president, to serve during the meeting or until the Mayor attends.

SEC. 49. On the tenth day next following any general election there must be a regular meeting of the Council, at which time the election returns shall be canvassed, as provided in Chapter IV of this act, and such meeting is appointed by this act, and no notice thereof or call therefor is necessary.

SEC. 50. A majority of the whole number of Councilmen elected shall constitute a quorum, and a majority vote of the quorum is sufficient to perform and transact any business of the Council, except the final passage of an ordinance or making a general appropriation of money, in which matters it shall require a majority vote of all members elect, and except in cases wherein other provisions of this act provide

that a greater number of votes is required: Provided, that special payments from a fund already appropriated may be made upon a majority vote of a quorum, and provided further, the Council may order the money out of the general fund into another for any specific object.

CHAPTER VII

THE MAYOR—HIS POWERS AND DUTIES.

SECTION 51. The Mayor is the chief executive officer of the corporation, and shall have power to communicate to the Council at any time concerning the condition and state of affairs of the corporation, and recommend such measures as he may deem expedient and proper, has the power of veto and the power to pardon or commute any sentence for the violation of any ordinance. The Mayor shall sign all warrants ordered drawn on the City treasury.

SEC. 52. The Mayor shall approve all bonds or undertakings, official or those which may be required by ordinance, or by any contract entered into by the corporation with private individuals. He shall report the same to the Council at the next regular meeting thereof, and if disapproved by that body the same shall be void.

SEC. 53. He shall perform such other duties and exercise such other authority as may be prescribed by this Act, and City ordinance, or any law of the United States or of this Territory.

SEC. 54. Any ordinance which shall have passed the Council, shall, before it becomes a law, be presented to the Mayor for his approval. If he approves he shall sign it, if not, he shall, at the next regular meeting, return it with his objections in writing to the Council, who shall cause the same to be entered in the journal, and shall proceed to reconsider the same; if, after such reconsideration, five-sevenths of the members of the Council shall agree to pass the same, it shall become a law.

SEC. 55. During any temporary absence of the Mayor from the City, or if he be unable from any reason to act, the Council shall elect one of their members, who shall be the acting Mayor and perform all the duties of such office during such temporary absence or inability.

CHAPTER VIII.

THE POWERS AND DUTIES OF OTHER OFFICERS.

SECTION 56. The City Attorney shall represent the City in all suits or proceedings in which the City is legally interested, and give his advice and opinion in writing concerning any matter in which the City is interested, when required by the Mayor or Council, and be the legal adviser of the City officers. The City may employ additional counsel when deemed advisable.

SEC. 57. It shall be the duty of the Clerk to keep a correct journal of the proceedings and to file and keep all papers and books of the Council. The Clerk is authorized to administer any oath required to be taken in connection with the duties of his office. He shall attest all warrants drawn on the Treasurer. He shall also attest any other document when ordered to do so by the Council.

SEC. 58. All demands against the City must be presented to the Clerk, with the necessary evidence in support thereof, which he must audit and submit to the Council, who shall, by a vote, direct whether the same or any part thereof shall be paid, as they may deem just and legal.

SEC. 59. When the Council orders any demand or account paid, and not otherwise, the Clerk shall draw a warrant on the Treasurer for the amount so ordered paid, and present the same to the Mayor, who shall sign the same.

SEC. 60. The Clerk must keep proper books, showing therein all sums appropriated, the date thereof and out of what fund, the date and amount of all warrants drawn thereon, and to whom payable, and perform the same duties as to City assessments as are now prescribed by law for the County Auditor in the matter of County assessments, and all other such matters and things as may be prescribed by ordinance or are proper and necessary to a correct understanding of the City finances.

SEC. 61. The Treasurer is receiver of all taxes and must receive and keep all money that shall come to the City, by taxation or otherwise, and pay out the same upon the warrant of the Mayor and Clerk, and perform the duties as to City taxes prescribed by existing law for the government of the County Treasurer as to County taxes. Provided, when taxes become delinquent he shall turn over a list of the same to the City Marshal for collection.

SEC. 62. The Treasurer must keep an account with the general fund and a separate account with each special fund that may be raised for any specific object, and when a warrant is drawn on any particular fund it can only be paid out of such fund.

SEC. 63. The Treasurer must make a report of the receipts and expenditures of the City to the Council at the first regular meeting thereof in January and July of each year, which report shall be published in the paper doing the City printing.

SEC. 64. The Assessor must annually make a correct list of all property subject to taxation by the City, with the valuation thereof, and perform the same duties as to the assessment and collection of city taxes as are prescribed by existing laws as the duties of the County Assessor in the assessment and collection of County taxes.

SEC. 65. Any persons feeling aggrieved by the valuation put upon their property by the Assessor, or in the listing of the same, may apply to the Council to have the same revised or corrected, and the Council may correct the same if deemed by that body erroneous.

SEC. 66. The Marshal is a peace officer and ex-officio chief of the police and collector of delinquent taxes, and must execute all processes issued by the Justice of Peace of the City, or directed to him by any magistrate of the Territory. He must attend regularly upon the court of said Justice of the Peace and meetings of the Council. He has power by and with the approval of the Council to appoint one or more deputies. He shall make arrests for breach of the peace, or for commission of a crime within the City limits, with or without warrant. He shall exercise a vigilant control over the peace and quiet of the City, and he is the keeper of the City prison. He shall give such bonds to the City as may be prescribed by ordinance, for the faithful performance of his duties, and shall also give a bond as tax collector.

SEC. 67. The Marshal must keep a correct record of all arrests made by him or his deputies, showing the time, cause or complaint upon which said arrest was made, and must make a full and complete report in writing to the Council at the first regular meeting in each month.

SEC. 68. The Justice of the Peace of the City shall, before exercising any of the functions of his office as such, give a bond to the City in such sum and with such conditions as the Council may require. He must keep a proper account of all fines, costs or other moneys received by him when acting under and by authority of this Act, and he must pay to the Treasurer monthly all such moneys and take duplicate receipts therefor, one of which he must file with the Clerk. He shall keep a separate docket of all City cases and make a report to the Council each month of his doings.

SEC. 69. The powers and duties of all officers of the City shall be as prescribed by ordinance, except as provided herein.

SEC. 70. The official books and papers of all the City officers are City property, and must be kept as such by such officers during their continuance in office, then delivered to their successors.

SEC. 71. The official books of the corporation shall be subject to inspection by any taxpayer thereof, during office hours.

CHAPTER IX.

ORDINANCES.

SECTION 72. The style of every ordinance shall be "The City of Walla Walla does ordain as follows." No ordinance shall contain more than one subject, which shall be clearly expressed in the title, and when only a section of an ordinance is repealed, the repealing ordinance shall specify particularly what section is to be repealed by repeating it, but when the whole ordinance is to be repealed it shall be sufficient to name it by title and number.

SEC. 73. All ordinances shall, as soon as may be after their passage, be recorded in a book kept for that purpose, and be authenticated by the signature of the presiding officer and the Clerk, and all those of a general or permanent character, and those imposing any fine, penalty or forfeiture, shall be published in the newspaper doing the City printing, and it shall be a sufficient defense to any suit or prosecution for such fine, penalty or forfeiture to show that such publication was not made, and no such ordinances shall take effect and be in force until the expiration of five days after they have been published.

SEC 74. All the courts of the Territory of Washington, holding terms in said City, shall take judicial knowledge of the ordinances of said City, and after an ordinance has been passed six days, courts shall presume that the same has been duly published five days, unless the contrary be affirmatively established.¹

CHAPTER X.

ASSESSMENT DISTRICTS—COLLECTING OF ASSESSMENTS FOR STREET GRADES AND IMPROVEMENTS.

SECTION 75. The City of Walla Walla shall have power to establish assessment districts therein and change the same at pleasure, to make

¹ See Title IX, Chap. XIV, Hill's Code. (Supra).

any improvement, including opening, cleaning, sprinkling and lighting streets, alleys and public grounds, building and repairing bridges, protecting property from floods, abating nuisances, and may raise the necessary means therefor, as provided in this chapter. Provided, that when the Council deem that such proposed improvement, though specially beneficial to the assessment district, is also of great benefit to the whole City, it may contribute from any fund of the City applicable, such amount as it may deem just; and, provided further, when the Council deem the proposed improvement not local in benefits, but of general benefit to the whole City, it may make appropriations from any funds of the City applicable thereto to pay for the whole thereof.

SEC. 76. Assessment districts may include such lands as the Council shall deem benefitted by the improvement, provided that in case of the improvement of established streets, sidewalks and alleys it shall include only the land abutting the proposed improvement and running back therefrom one hundred and twenty feet or less, and no improvement shall be made until the grade shall have been established. In all other cases the dimensions and locality of the district shall be according to the discretion of the Council, provided it shall always embrace the proposed improvements.

SEC. 77. The ordinance establishing the district shall describe the boundaries thereof, and in case bids are to be let for improvements of streets already existing, bids shall be advertised for, and a diagram or description of the proposed improvements filed in the Clerk's office for the inspection of bidders. In case the district is established to purchase land for opening new streets, then the amount necessary to be raised therefor, as soon as it shall be ascertained, shall be advertised in the City paper, and the work or purchase shall be stayed only by a petition to that effect by persons in the district representing half of the tax, and this must be filed with the Clerk within twenty days after the publication of the notice of the amount to be raised. Provided, that a five-sevenths vote of the Council may stop proceedings or continue them to the end, regardless of petition or remonstrance.

SEC. 78. If the remonstrance mentioned shall be filed as aforesaid, the proceedings shall stop until said petition shall be filed. Provided, that a new district with different limits may be formed for the same purpose and new proceedings had, as above prescribed.

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof,'" Approved, February 4, 1886.

SEC. 79. When it is lawful to proceed as above provided, the Assessor shall make assessment of all land within the district, which shall be levied and collected in all respects as a general City tax, except the whole time and manner of assessment and collection may be controlled by ordinance.

SEC. 80. Upon the return of said Clerk to the Council the bids shall be opened, and if the Council shall accept any bid it shall proceed to levy a tax on the land in said district (exclusive of improvement) as it shall appear from said list made from the assessment roll, according to the value thereof, sufficient to pay the amount of the accepted bid and the incidental probable expenses.

SEC. 81. If no bid is accepted notice shall be published by the Clerk in the paper aforesaid, at least five days, that new bids will be received for said work, and when such bids are received and accepted by the Council, it shall levy the tax as aforesaid.

SEC. 82. After said bid is accepted and levy made the contract shall not be executed until five days thereafter, during which time if any of the freeholders in said district will give bid and bond as hereinafter provided, to do the work for twenty dollars less than the accepted bid, and pay the accepted bidder ten dollars bonus for his trouble, which shall be left with the Clerk, then the contract with the original accepted bidder shall come to an end, and the work shall be done by the freeholder, provided if there are two or more freeholders who offer as aforesaid to do the work, the one offering to do the work for the least price shall pay said bonus and have the contract, and all other contracts shall become void; and, provided, that all persons bidding shall file with their bids a bond to do the work according to the specifications, with the Clerk aforesaid, in case his bid is accepted and the contract awarded to him, with such sureties as may be prescribed by ordinance.

SEC. 83. The fees and percentages and penalties for collection of delinquent taxes shall be added to the delinquent tax and collected as a part thereof.

SEC. 84. As soon as a tax is levied, the Clerk shall record the same in a book in his office and shall cause to be filed in the County Auditor's office a certified transcript of said exhibit under his seal of office. The County Auditor shall file said transcript and record it in the book of liens, indexing the owner, or reputed owner, as lienor and the City as claimant, for which he shall be entitled to charge the fee of twenty-five

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved, February 4, 1886.

cents for each name so indexed, which sum shall be added to said claim and upon the enforcement of such lien shall be taxed and collected as costs.

SEC. 85. The funds collected under this chapter shall be kept separate, and if there is any excess thereof it shall be returned to those who paid it, according to their respective interests, and if there is a deficiency a tax may be levied, as above provided, to make up such deficiency¹

CHAPTER XI.

OF THE COLLECTION OF DELINQUENT TAXES.

SECTION 86. The assessment of property, the form of the assessment roll, the rule for ascertaining the ownership of property and in whose name it may be assessed, and the collection of City taxes shall be made in the manner prescribed by existing law for the assessment and collection of Territorial and County taxes; time of making assessments, the return of the Assessor, the time for levying and collecting the general and special taxes, the time for equalization of taxes, and when they shall become delinquent must be prescribed by ordinance. ²Any general or special tax may be collected by civil action if the City elect to do so, and in that case has all the rights and proceedings as in other civil actions, and judgments have the same effect. Provided, that no issue shall be tried in said action except as to how much tax would be justly owing if the assessment had been regular in every respect, and no issue shall be tried as to the regularity of any official act preceding the action.

SEC. 87. The fees and costs, penalties and interests for and on City taxes and for the collection thereof shall be the same as that prescribed by existing laws for Territorial and County taxes, and the effect of sales and deeds and the right of redemption shall be the same. Provided that in the case of road poll tax that if any person shall bring a receipt from the Street Commissioner of having performed work for the same, then such receipt shall be accepted as payment at the rate of two dollars per day, and the tax collector shall take up such receipt and give a receipt as for cash.

¹ Laws 1893, p. 226, provide for reassessment, in case any assessment for local improvement shall be declared invalid by the courts of this State.

² As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved, February 4, 1886.

SEC. 88. And the City Council shall have power by ordinance to supplement and change the present territorial law as to time taxes shall be collected, and the time of making return of delinquent rolls by the Marshal, and as to the change of the names of County officers to the proper City officers, and any other change which is necessary to make said laws applicable to City and district assessments and taxes.

SEC. 89. Whenever any general or special tax has been levied as provided and authorized by this charter, every part thereof shall bear interest at the legal rate from the time it is due and payable until paid or collected, and shall be a lien from said date upon any real property owned by the party assessed.

CHAPTER XII.

MISCELLANEOUS PROVISIONS.

SEC. 90. The City of Walla Walla is not bound by any contract, or in any way liable thereon, unless the same is authorized by a City ordinance and made in writing and by order of the Council signed by the Clerk or some other person in behalf of the City. But an ordinance may authorize any officer or agent of the City, naming him, to bind the City without a contract in writing, for the payment of any sum of money not exceeding one hundred dollars.

SEC. 91. When an accident happens within the City of Walla Walla, by reason of defects or obstructions in the streets, alleys, sidewalks or bridges therein, the liability shall be as follows: When the defect or obstruction is caused by the Street Commissioner or employe under him, by the misfeasance or malfeasance of such Street Commissioner or employe occurring as an incident of work done for the City, such commissioner or employe in fault and the City jointly shall be liable

SEC. 92. When such defect is caused by the occupant or owner of abutting property, or by their neglect to remove the same, the said owner shall be personally liable, and when caused by the willful misconduct of any person, such persons shall be personally liable. Provided, that if the Street Commissioner, having notice and the means to abate the danger, and failing to perform his duty in this respect, is jointly liable with the persons aforesaid in the nature of surety for said persons previously

¹ As amended by an Act entitled "An Act to amend an Act entitled 'An Act to incorporate the City of Walla Walla and to particularly define the powers thereof.'" Approved, February 4, 1886.

liable, and if the Council, on being notified by the the Street Commissioner that he needs means to cure the defect, fail to supply the same, the Street Commissioner shall be exempted, and the City shall be liable as surety in his place, as above provided.

SEC. 93. If the Council has been notified by the Street Commissioner that there is danger from any such defect or obstruction and fails to immediately furnish the power and means to the Street Commissioner to cure the defect or remove the obstruction to an extent sufficient to prevent accidents, then the City shall be liable alone, unless such defect or obstruction is caused or permitted as is described in the next section.

SEC. 94. When an action is against joint defendants or two or more defendants and when the liability of any defendant arises out of the fault of any officer, tenant or employe of such defendant, the verdict shall so state and judgment be entered accordingly and execution satisfied from the property of such officer or employe, if it can be found, but if not found then against the City or employe, and when the City or employe shall pay such judgment or any part of the same, it or he shall be subrogated to that extent to the rights of the plaintiff, and if such officer or employe is not embraced as defendant by the original complaint, the defendant sued may make him a party defendant by the service of the copy of the original complaint and summons upon him together with a notice that he shall appear and defend the same, which shall operate and have the effect of an original summons, and when made a party he shall answer the original complaint in all respects, as if it charged him with the wrong, instead of the other defendant.

SEC. 95. No money shall be drawn from the City treasury but in pursuance of an appropriation for that purpose, made by an ordinance, and an ordinance making an appropriation of money must not contain a provision upon any other subject. Provided, always, that where a fund has been created to be expended for a certain purpose, the Council may, from time to time, direct payments to be made therefrom for such purpose without ordinance.

SEC. 96. The fiscal year of the City shall commence on the first day of July, and end on the last day of June of each year.

SEC. 97. In any action, suit or proceedings in any court concerning any assessment of property or levy of taxes authorized by this act, or the collection of any such tax, or proceeding consequent thereon, such assessment, levy, consequent proceeding, and all proceeding connected therewith, shall be presumed to be regular and duly taken, until the contrary is shown, and when any proceeding, matter or thing is by this act committed or left to the discretion of the Council, such discretion or judgment, when exercised or declared, is final, and cannot be reviewed or called in question elsewhere.

SEC. 98. The City Council may divide the City into not less than four, nor more than seven wards and shall apportion the members of the City Council to be elected in each, and provide places for holding elections in each, and appoint officers for conducting the same.

SEC. 99. When the grade or boundaries of any street have been once legally established, such grade or boundary shall not be changed without indemnifying each person injured by such change, and the amount of compensation shall be determined as in other cases when private property is taken for the use of the City, and the City of Walla Walla may exercise the right of eminent domain to take any private property for any use of the City embraced within any of the objects or purposes of this act.¹

SEC. 100. In all cases where it is provided elsewhere that a petition or remonstrance is necessary to the validity of an ordinance or proceeding, and where it is provided that a remonstrance shall stay proceedings, the Council may, by a five-sevenths vote, pass such ordinance or complete such proceedings in all respects as if there had been no provisions on the subject; and when an ordinance has passed it shall be held as valid, unless it be proven affirmatively that the necessary steps have not been taken. And in the appropriation of private property for public use the mode of the proceedings shall be as prescribed by ordinance.

SEC. 101. All the trusts for private persons and all the rights to property vested or existing in the City of Walla Walla by virtue of any act of the Legislative Assembly of the Territory of Washington or City organization under the laws thereof, and by the acts of congress are hereby imposed and granted to the City of Walla Walla, as created by this act, as the successor thereof, it being the true intent of this and all other acts creating the City of Walla Walla to continue the existence of the same City, as prescribed from time to time by the different acts incorporating the same, but with additional powers and manner of government.

SEC. 102. All ordinances heretofore in force in the City of Walla Walla, passed concerning the trusts of said City for private parties, are continued in force, and all ordinances passed and in force in said City when this act goes into effect are continued in force until repealed by the City Council.

SEC. 103. The rights, powers and duties and liabilities of the City of Walla Walla and of its several officers shall be those prescribed in this act and this act is hereby declared a public act.

¹ See title IX, Chapter XIII, Hills' Code (Supra.)

SEC. 104. Whenever any addition to said City shall be platted and recorded in the office of the county auditor of Walla Walla County as required by law, then and in that case the City of Walla Walla shall have power by ordinance to include such addition within the corporate limits thereof. Provided, always, that such addition is joined to the already established boundaries of said City.

SEC. 105. The limit of indebtedness of the City of Walla Walla is hereby fixed at \$50,000.¹

SEC. 106. All acts and parts of acts relating to the incorporation of Walla Walla City and not herein reserved are hereby repealed.

SEC. 107. This act to take effect from and after January 1st, 1884.

TERRITORY OF WASHINGTON, }
Secretary's Office. }

I, N. H. Owings, Secretary of the Territory of Washington, do hereby certify that "An act to incorporate the City of Walla Walla and to particularly define the powers thereof," now on file in this office, was approved by the Governor the 28th of November, A. D. 1883.

In testimony whereof I have hereunto set my hand and affixed the great seal of said Territory, at Olympia, this 6th day of December, A. D. 1883.

[L. S.]

N. H. OWINGS,
Secretary of Washington Territory.

¹ See Section 707, Vol. 1, Hills' Code, [Supra.]

Yesler vs. Seattle, 1 Wash. 308.

Moore vs. Walla Walla, 60 Fed. 962.

GENERAL LAWS.

The following are certain general statutes deemed applicable to the City of Walla Walla, existing as it does under special Charter:

TITLE IX, CHAPTER XII, 1 HILL'S CODE.

OF PLATS OF CITIES, TOWNS AND ADDITIONS, AND OF STREETS, ETC. THEREIN.

§743. Any person or persons who may hereafter lay off any Town within this State shall previous to the sale of any lots within such Town, cause to be recorded in the Recorder's office of the County wherein the same may lie, a plat of said Town, with the public grounds, (if any there be,) streets, lanes and alleys, with their respective widths properly marked, and the lots regularly numbered, and the size stated on said plat. Town plats to be recorded.

§744. Every person hereafter laying off any lots in addition to any town shall previous to the sale of such have the same recorded under the like regulations as are provided for recording the original plat of said town, and thereafter the same shall be considered an addition thereto.¹ Additions to town lots must be recorded. Effect of—

§745. Every person whose duty it may be to comply with the foregoing regulations, shall, at or before the time of offering such plat for record, acknowledge the same before the Recorder of the proper County, or any other officer who is authorized by law to take the acknowledgements of deeds, a certificate of which acknowledgement shall be, by the officer taking the same, indorsed on or annexed to such plat and recorded therewith. Plat of town to be acknowledged.

¹ Carroll v. Centralia Water Co., 5 Wash., 613.

City and town, streets are public highways.

§746. Whenever any City or Town has been surveyed and platted, and a plat thereof showing the roads, streets and alleys has been filed in the office of the Auditor of the County in which such City or Town is located, such plat shall be deemed the official plat of such City or Town, and all roads, streets and alleys in such City or Town as shown by such plat shall be, and the same are, declared public highways; providing that nothing herein shall apply to any part of a City or Town that has been vacated according to law.

Lots, streets, etc. in unincorporated Town. Proceedings to vacate.

§749. Any person or body corporate interested in any Town in this State not incorporated, who may desire to vacate any lot, street, alley, common, or any part thereof, or may desire to vacate any public square, or part thereof, in any such Town, it shall be lawful for any such person or corporation to petition the board of County Commissioners for the proper County, setting forth the particular circumstances of the case, and giving a distinct description of the property to be vacated, which petition shall be filed with the County Auditor twenty days previous to the setting of said court, and notice of the pendency of said petition shall be given for the same space of time by written or printed notices set up in three of the most public places in said Town, containing a description of the property to be vacated.

Court may vacate streets, lots or squares when—

§750. Said court if satisfied that the aforesaid notice has been given, may, in their discretion, vacate the same, with such conditions and restrictions as they may deem reasonable and for the public good.

Effect of vacation as to title, etc.

§751. The part so vacated, if it be a lot, or lots, shall vest in the rightful owner, who may have the title thereof according to law, and if the same be a street or alley, the same shall be attached to the lots or ground bordering on such street or alley; and all right or title thereto shall vest in the person or persons owning the property on each side thereof in equal proportions; provided, the lots or grounds so bordering on such street or alley have been sold by the original owner or owners of the soil; if, however, said original owner or owners possess such title to the lots or grounds bordering said street or alley on one side only, the title to the same shall vest in the said owner or owners, if the said court shall judge the same to be just and proper.

§752. In cases where any person interested in any incorporated town in this State may desire to vacate any street, alley, lot or common or any part thereof, it shall be lawful for such person to petition the trustees in like manner as persons interested in Towns not incorporated are authorized to petition the Board of County Commissioners; and the same proceedings shall be had thereon before such Trustees, or other body corporate having jurisdiction as are authorized to be had before the Board of County Commissioners; and such Trustees or other corporate body may determine on such application under the same restrictions and limitations as are contained in the foregoing provisions.

Streets, lots, etc., in incorporated town proceedings for vacation of—

§753. In all cases where any person or persons have laid out or shall hereafter lay out a Town or any addition to any Town, and such Town or addition does not improve, and such person or persons shall be the legal owner or owners of all the lots contained in such Town or addition, such person or persons or any other party or parties who shall become the legal owner or owners thereof, may have such Town or addition, or any part thereof vacated in like manner as is hereinbefore provided for the vacation of lots, streets and alleys.

Unimproved towns or additions, how vacated—

§754. All City or Town plats or any addition or additions thereto heretofore made and recorded in the County Auditor's office of any County in the State of Washington, showing lots, blocks, streets, alleys or public grounds shall be conclusive evidence of the location and size of the lots, blocks and public grounds and the location and width of each and every street or alley marked, laid down, or appearing on such plat, and that all the right, title, interest or estate which the person or persons making or recording such plat or causing the same to be made or recorded had at the time of making or recording such plat in or to such streets, alleys or public grounds was thereby dedicated to public use whether the same was made, executed or acknowledged in accordance with the provisions of the laws of this State in force at the time of making the same or not.

Defective plats legalized

§755. A copy of any City or Town plat or addition thereto recorded in the manner provided for in the preceding section, certified by the County Auditor of the County in which the same is recorded to be a true copy of such record and the whole thereof shall be received in evidence in all the courts of this State with like affect as the original.

Copy of plat or addition
Effect of as evidence—

New survey
and plat to be
made and
filed when.
Effect of—

§756. Whenever the recorded plat of any City or addition thereto does not definitely show the location or size of lots or blocks or the location or width of any street or alley in such City or addition, the City Council of the City in which the land so platted is located is hereby authorized and empowered by ordinance, and the action of its proper officers, to cause a new and correct survey and plat of such City or addition to be made and recorded in the office of the County Auditor of the County in which such City or addition is located, which corrected plat shall follow the plan of the original survey and plat so far as the same can be ascertained and followed and a certificate of the officer or surveyor making the same shall be endorsed thereon referring to the original plat corrected thereby and the defect existing therein and corrected by such new survey and plat; and the ordinance authorizing the making of such plat shall be recorded in the office of the County Auditor of said County and said certificate shall show where said ordinance is recorded; and such plat when so made and recorded or a copy thereof certified or provided in section seven hundred and fifty-five shall be admissable in evidence in all the courts of this State.

Incorporated
cities to regu-
late future
surveys and
plats.

§757. All incorporated cities in the State of Washington are hereby authorized and empowered to regulate and prescribe the manner and form of making any future survey or plat of lands within their respective limits and enforce such regulations by a fine of not exceeding one hundred dollars to be recovered by and in the name of such City, or imprisonment not exceeding twenty days for each violation of any ordinance regulating such survey and platting; provided, that nothing in this Chapter shall be construed so as to apply to additions to towns in which no lots have been sold.

Effect of do-
nation where
marked or
noted on plat.

§758. Every donation or grant to the public or to any individual or individuals, religious society or societies or to any corporation or body politic, marked or noted as such on the plat of the town or wherever such donation or grant may have been made shall be considered to all intents and purposes, as a quit-claim deed to the said donee or donees, grantee or grantees for his, her or their use for the purposes intended by the donor or donors, grantor or grantors as aforesaid.

TITLE IX, CHAPTER XIII, 1 HILL'S CODE.

OF DAMAGE CAUSED BY CHANGE OF GRADE.

§759. When the grade of any street or sidewalk in any City or incorporated Village shall be established by the corporate authority of such City or Village, and a building shall thereafter be constructed upon said street, no change shall be made in the grade of such street or sidewalk which shall require the raising or lowering of any building so constructed, until the damages which may accrue by reason of such raising or lowering shall be appraised and ascertained as is hereinafter provided.

Damage in
street grad-
ing. Provi-
sion for pay-
ment of—

§760. In case the corporate authority of such City or Village and the owner of such building shall be unable to agree upon the amount of such damages, such authority shall appoint three disinterested freeholders of such City or Village to appraise such damages. The appraisers so appointed, after being duly sworn, shall appraise such damage and make two written reports thereof, signed by at least a majority of them, one of which shall be delivered to the Clerk of such City or Village, to be immediately filed in his office, and the other to the owner of the building.

Appraise-
ment of dam-
ages.

§761. Such report shall be made and delivered within ten days after the appointment of the appraisers.

Time for re-
port to be
made

§762. Within twenty days after the filing of the report with the Clerk, either party feeling dissatisfied with such appraisement may file in the office of the Clerk of the Superior court within the County in which said City or Town is located, a copy of such report, certified by the Clerk of such City or Village, whereupon the Clerk of the Superior court shall cause the same to be entered on the trial docket. Such City or Village shall be plaintiff and the owner of the building shall be defendant; the question of damages shall be tried by a jury, or, with the consent of the parties, by the court.

Right of ap-
peal.

§763. The report of the appraisers shall be the complaint and the defendant may file such pleadings as the court may allow.

Pleadings, of
what to con-
sist.

§764. In case the owner of the building takes the appeal and the damages are not increased, or in case the City or Village takes the appeal and the damages be decreased in

Taxation of
costs, pay-
ment of.

the Superior court, the costs shall be taxed to the defendant. In all other cases, and in case no appeal is taken, all cost shall be taxed to and paid by the City or Village.

Payment of damages by City or Town. §765. The damages awarded by the appraisers or assessed by the jury or court in case of appeal, shall be paid by the City or Village in the same manner that other debts or liabilities of such City or Village are paid.

TITLE IX, CHAPTER XIV, 1 HILL'S CODE.

GENERAL PROVISIONS WITH RESPECT TO CHARTERS AND ORDINANCES.

Charters and ordinances as evidence. §766. All ordinances passed by any City Council or board of trustees, or other municipal corporation, within the State of Washington, shall be recorded in a book to be kept for that purpose by the City Clerk, or clerk of such board of trustees or municipal corporation of such City, and when so recorded the record thereof so made shall be received in any court of this State as prima facie evidence of the due passage of such ordinances as recorded, and this chapter shall apply as well to all ordinances heretofore as hereafter so passed and recorded. And when the ordinances of any City or Town are printed by authority of such municipal corporation, the printed copies thereof shall be received as prima facie evidence that such ordinances, as printed and published, were duly passed.

Pleading the existence of City or Town. §767. In pleading the existence of any City or Town in this State it shall be sufficient to state in such pleading that the same is an existing City or Town, incorporated or organized under the laws of the State of Washington.

Pleading ordinance of City or Town judicial notice. §768. In pleading any ordinance of a City or Town in this State it shall be sufficient to state the title of such ordinance and the date of its passage, whereupon the court shall take judicial knowledge of the existence of such ordinance, and the tenor and effect thereof.

TITLE XXXIII, 1 HILL'S CODE.

BOND OF CONTRACTORS FOR SECURITY OF LABORERS.

§2415. Whenever the Board of County Commissioners of any County of this State or the Mayor and Common Council of any incorporated City or Town or the tribunal transacting the business of any municipal corporation, shall contract with any person or persons to do any work of any character, which if performed for an individual a right of lien would exist under the law, or make any improvement for such County, incorporated City or Town, or other municipal corporation, such Board of County Commissioners or Mayor and Common Council of any incorporated Town or City or tribunal transacting the business of any other municipal corporation shall take from the person with whom such contract is made a good and sufficient bond with two or more sureties who shall justify as bail upon arrest, which bond shall be conditioned that such person, shall pay all laborers, mechanics and material men, and persons who shall supply such contractor with provisions or goods of any kind, all just debts due to such persons or to any person to whom any part of such work is given, incurred in carrying on such work; which bond shall be filed by such board, or Mayor and Common Council or other tribunal in the office of the County Auditor in the County where such work is to be performed or improvement made.

Authorities to
take Bond
from con-
tractors.
When—

§2416. If any Board of County Commissioners of any County or Mayor or Common Council of any incorporated City or Town, or tribunal transacting the business of any municipal corporation shall fail to take such bond as herein required, such County, incorporated City or Town, or other municipal corporation shall be liable to the persons mentioned in the last preceding section to the full extent and for the full amount of all such debts so contracted by such contractor.

Liability of
corporations
for failure to
take bond.

§2417. The bond mentioned in section twenty-four hundred and fifteen of this volume of general statutes shall be in an amount equal to the full contract price agreed to be paid for such work or improvement and shall be to the State of Washington, and all such persons mentioned in said section twenty-four hundred and fifteen shall have a right of action in his, her or their own name or names on such bond for the full amount of all debts against such contractor, or for

Condition
and right of
action upon
bond.

work done by such laborers or mechanics and for materials furnished or provisions and goods supplied and furnished in the prosecution of such work or the making of such improvements.

NOTE.—This act has been construed by the Supreme Court of Washington as follows: In *Maxon v. School District*, 5 Wash. 142, held that a laborer or material man, in order to entitle him to recover against a corporation that had failed to require the bond provided for, need not first establish his claim in a separate action against the contractor, and need not even make him a party to an action against the corporation.

In *Ihrig v. Scott*, 5 Wash. 584, a bond running to the "Board of School Directors" instead of to the "State of Washington" as provided in the act, was held valid. Held further that this act provides a remedy for those furnishing materials as sub-contractors

In *Clough v. Graves*, 7 Wash. 279, this act held not to apply to street grading contracts, there being no lien for such work if performed for an individual.

In *Wadsworth v. School District*, 7 Wash. 485, an action against a school district for not taking a sufficient bond, held that the failure of sureties to justify as to their financial responsibility is not fatal irregularity; that such bond is not inoperative because made to the school district instead of to the State of Washington; that it is not necessary that such bond be placed on file with the County Auditor prior to the furnishing of materials to the contractor in order to relieve the school district from liability.

In *Fischer v. Quigley*, 8 Wash. 327, held that an action upon such a bond is not barred by the procuring of a prior judgment against the contractor.

In *Wallace v. Skagit County*, 8 Wash. 457, the construction of a local ditch held not to be such an improvement as to require the taking of a bond under this act.

CHAPTER VIII, LAWS 1893, p. 12.

AUTHORIZING CITIES AND TOWNS TO PURCHASE, CONSTRUCT
AND MAINTAIN CERTAIN PUBLIC WORKS, AND
ISSUE BONDS THEREFOR.

AN ACT relating to and authorizing Cities and Towns to purchase, construct and maintain waterworks, systems of sewerage, gas and electric light plants and to issue bonds to pay therefor, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington :

That any incorporated City or Town within the State be and—SECTION 1.
is hereby authorized to construct or condemn and purchase, or purchase or add to and maintain water works with in or without the City limits for the purpose of furnishing the City and the inhabitants thereof with an ample supply of water for all purposes and to construct and maintain a system of sewerage with full jurisdiction and authority to manage, regulate and control the same beyond the limits of the corporation, and to buy or build gas works and electric light plants for the purpose of lighting streets and public places, and supplying lights to the inhabitants of such Cities and Towns with full authority to regulate and control the same.

Whenever the City Council or Board of Trustees of any such—SEC. 2.
City or Town shall deem it advisable that the City or Town, of which they are such officers, shall exercise the authority hereby conferred upon them in relation to water works, sewerage or works for lighting purposes, any or all thereof, the corporation shall provide therefor by ordinance which shall specify and adopt the system or plan proposed and declare the estimated cost thereof as near as may be, and the same shall be submitted for ratification or rejection to the qualified voters of said City at a special election, of which thirty days notice shall be given in the newspaper doing the City printing by publication in each issue of said paper during said time: Provided, That if the said City or Town is to become indebted or issue bonds for such water works or sewerage system or plant or works for lighting purposes, the said proposition and authority to become so indebted shall be adopted and assented to by three-fifths of the qualified voters of said City or Town voting at said election, except as to the adoption or rejection of the system or plan of internal improvements contemplated which may be

adopted by a majority vote. When the system or plan has been adopted and the creation of an indebtedness assented to as aforesaid, the said corporation shall be authorized and empowered to construct and acquire the internal improvements contemplated and to create an indebtedness and to issue bonds therefor as hereinafter provided which said indebtedness and bonds shall not exceed five (5) per cent of the taxable property as shown on the last assessment roll of the City or Town made for general municipal purposes; such indebtedness and bonds to be additional to all other outstanding indebtedness of the City or Town created within constitutional limits.

SEC. 3.—Whenever a City or Town shall be authorized to issue bonds the said bonds shall be issued in denominations of not less than one hundred nor more than one thousand dollars, shall be numbered from one up consecutively, shall bear the date of their issue, shall be payable not more than twenty years from date and shall bear interest not exceeding six per cent per annum, payable semi-annually with interest coupons attached and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the Mayor and attested by the Clerk under the seal of the City or Town.

SEC. 4.—There shall be levied each year a tax upon the taxable property of such City or Town, as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity thereof an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes.

SEC. 5.—Said bonds shall be printed or engraved or lithographed on good bond paper, and a duly authenticated copy of this act, together with the ordinance of the City or Town authorizing and directing such special election shall be printed on each bond together with a statement signed by the Mayor and Clerk showing the result of said election.

SEC. 6.—Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interests of the City or Town. A register shall be kept of all bonds which register shall show the number, date, amount, interest, name of payee and when and where payable of each and every bond executed, issued or sold under the provisions of this act.

There being no adequate law in the State authorizing Cities and Towns to purchase, construct and maintain water works, systems of sewerage, gas and electric light plants, and to issue bonds to pay therefore, an emergency exists; therefore, this act shall take effect and be in force from and after its approval by the Governor. SEC. 7.

Approved, February 10, 1893.

This act is identical with the act of March 26, 1890, (Laws 1889-90, page 520,) as amended by the act of March 9, 1891, (Laws 1891, page 326,) and supersedes the same.

An ordinance drawn under this act construed in *Seymour v. Tacoma*, 6 Wash. 138; *Lewis v. Port Angeles*, 7 Wash. 190; *Moore v. Walla Walla*, 60 Fed. 961.

TITLE IX, CHAPTER IX, 1 HILL'S CODE.

OF DEBTS OF CITIES AND ISSUANCE OF BONDS FOR MUNICIPAL PURPOSES.

§702. Any City or Town having a corporate existence in this State at the time of the adoption of the constitution thereof is hereby authorized and empowered to borrow money and to contract indebtedness in any other manner for general municipal purposes, not exceeding in amount, together with the existing general indebtedness of such City or Town, one and one-half per centum of the taxable property in such City or Town, to be ascertained by the last assessment for State and County purposes, previous to the incurring of such indebtedness, except that in incorporated Cities the assessment shall be taken from the last assessment for City purposes, whenever it is deemed advisable to do by the City or Town Council thereof.¹ Cities and Towns may borrow money, etc.

§703. Any such City or Town may borrow money or contract indebtedness for strictly municipal purposes over the amount specified in the preceding section, but not exceeding in amount, together with the existing general indebtedness five per centum of the taxable property in such City or Increased indebtedness may be contracted, how-

¹ If the liability of a City is incurred while its total liability is within the constitutional limit, the fact that a subsequent valuation places the indebtedness beyond the limit will not invalidate warrants thereafter issued as evidence of such liability. *Childs v. Anacortes*, 5 Wash. 452.

Town, to be ascertained as provided in the preceding section, through the Council of such City or Town, whenever three-fifths of the voters therein assent thereto at an election to be held for that purposes, at such time, upon such reasonable notice, and in the manner presented by the City or Town Council, not inconsistent with the general election laws.²

Increased indebtedness for water, light and sewers.

§704. Any City or Town described in section seven hundred and two of this volume of general statutes shall, in addition to the power granted in the preceding sections, have the power, through its Council to borrow money or to contract indebtedness in an amount not exceeding five per centum of the taxable property in such City or Town, ascertained as provided in section seven hundred and two of this volume of general statutes, for the purpose of supplying such City or Town with water, artificial light or sewers, when the plant or plants used for such purposes shall be owned and controlled by the City, whenever three-fifths of voters therein assent thereto at an election to be held for that purpose according to the provisions of section seven hundred and three of this volume of general statutes.

City or Town may fund its indebtedness.

§705. Any City or town of the description of those included in section seven hundred and two of this volume of general statutes may fund its indebtedness at any time in such a manner for such time and upon such terms and interest as its Council may deem advisable, provided, that the indebtedness funded shall not, with all the existing indebtedness, exceed in amount one and one-half per centum of the taxable property thereof, ascertained as provided in section seven hundred and two of this volume of general statutes, unless such indebtedness shall have been authorized by the assent of three-fifths of the voters of such City or Town as hereinbefore provided.

Existing indebtedness declared valid to what extent.

§706. Any indebtedness now owing by any such City or Town contracted strictly for municipal purposes, whether the same exceeds the amount which such City or Town was authorized to contract under its charter or not, is hereby validated and declared to be a binding obligation upon such City or Town when the only ground of the invalidity of such

² A majority of three-fifths means of those who vote, not of those who have a right to vote. *Metcalfe v. Seattle*, 1 Wash. 297. *Seymour v. Tacoma*, 6 Wash. 149; *Yesler v. Seattle*, 1 Wash. 308.

indebtedness is that it exceeds the amount authorized by the Charter of such City or Town; provided, that if said indebtedness exceeds one and one-half per centum, including present indebtedness upon the taxable property therein, to be ascertained as hereinbefore provided, then such indebtedness shall not be deemed to be validated by this act till three-fifths of the voters of such City or Town shall assent to the same at an election held for that purpose in the manner provided by section seven hundred and three of this volume of general statutes; provided further, that the indebtedness ratified, including all existing indebtedness, shall not exceed in amount five per centum upon the taxable property in such City or Town, ascertained as hereinbefore indicated; and provided further, that this section shall only apply to indebtedness now existing.¹

§707. When this act comes in conflict with any provision, limitation or restriction in any local or special law or Charter, existing at the time that the constitution of the State of Washington was adopted, this statute shall govern and control.

Construction
of statute in
case of con-
flict.

§708. Each and every incorporated City or Town in this State, and each and every City or Town that may hereafter be incorporated in this State, it hereby authorized and empowered, by and through its Council to contract indebtedness or borrow money for strictly municipal purposes on the credit of such corporation and to issue negotiable bonds therefor, whenever the Council of such City or Town deems it advisable, not exceeding an amount together with the existing indebtedness of such City or Town, of one and one half per centum of the taxable property of such City or Town, to be ascertained by the last assessment for City or Town purposes previous to the incurring of such indebtedness; provided, however, that such Council shall not create, audit, allow nor permit to accrue any debts or liabilities in excess of such amount except as hereinafter provided.

Council alone
may contract
indebtedness
when, how
and to what
limit.

§709. Whenever the Council of any such City or Town shall deem it advisable that such City or Town of which they are such officers, shall for strictly municipal purposes create an indebtedness or borrow money and issue its negotiable bonds therefor in an amount which taken together with the existing indebtedness of such City or Town, exceeds the amount specified in the preceding section, the Council shall provide

Excess of in-
debtedness
may be con-
tracted when
and how—
Election no-
tice—

¹ McBryde v. Montesano, 7 Wash. 69.

therefor by ordinance, which ordinance shall state the amount of such indebtedness so desired to be created, or the amount of money so desired to be borrowed, as the case may be, and the same shall be submitted for the ratification or rejection to the qualified electors of such City or Town at a special election of which fifteen days notice shall be given in the paper doing the City printing, by publication in each issue of said paper during said time.

Election how
to be conduct-
ed. Ballots,
form of—

§710. Said election shall be conducted consistent with the general election laws of this State. If the question submitted at such election be that of creating an indebtedness other than that of borrowing money, the ballots used shall contain in substance the following: "Shall the City of or Town of (as the case may be), for (here state purpose) incur an indebtedness of \$——? Indebtedness. Yes. Indebtedness. No." The elector shall so prepare said ballot by striking therefrom the words "Indebtedness. Yes." or "Indebtedness. No." so that the remaining portion of said ballot shall express his vote on said question. If the question submitted at such election be that of borrowing money and issuing negotiable bonds therefor, the ballots used shall contain in substance the following: "Shall the City of, or Town of, (as the case may be) for municipal purposes, borrow \$——, and issue its negotiable bonds therefor Bonds, yes. Bonds, no." The elector shall so prepare said ballot by striking therefrom the words, "Bonds, yes" or "Bonds, no," so that the remaining portion of said ballot shall express his vote on said question.

Indebtedness
must be in-
curred and
bonds issued
when. Limi-
tation of
amount Pur-
pose.

§711. If three-fifths of the legal ballots cast on said question of incurring such indebtedness be in favor of "Indebtedness, yes," the Council of such City or Town must incur such indebtedness in due and legal form. If three-fifths of the legal ballots cast on said question of issuing bonds be in favor of "Bonds, yes," said City or Town shall be deemed to be authorized to borrow the amount of money so voted for and issue its negotiable bonds therefor, and it shall be the duty of the Council of such City or Town so to do; subject, however, to the condition that the total indebtedness herein provided for shall not exceed in amount, together with the existing indebtedness of such City or Town, five per centum of the taxable property of such City or Town, to be ascertained by the last assessment of such City or Town for City or Town purposes, previous to the incurring of such indebtedness; and provided further, that no

portion of the money by this act authorized to be borrowed shall ever be used for other than strictly municipal purposes.

§712. All bonds whether issued by authority of the Council alone as in section seven hundred and eight of this volume of general statutes, such Council is empowered to do, to the amount therein provided, or issued in pursuance of the special election herein provided for, shall be issued in denominations of not less than one hundred or more than one thousand dollars; shall be numbered from one up consecutively; shall bear the date of their issue; shall be payable not more than twenty years from date and shall bear interest not exceeding six per cent per annum, payable semi-annually with interest coupons attached, and the principal and interest shall be payable at such place as may be designated in said bonds. The bonds and each coupon shall be signed by the Mayor and attested by the Clerk under the seal of the City or Town.

Bonds. Amounts, denominations, interest, signatures, etc.

§713. Said bonds shall be printed or engraved or lithographed on good bond paper, and a copy of this act together with the ordinance of the City or Town authorizing and directing such special election, when such bonds are issued in pursuance of an election, shall be printed on each bond, together with a statement signed by the Mayor and Clerk of such City or Town showing the result of such election; provided, that where bonds are issued by the Council pursuant to section one of this act and without an election a copy of this act, together with the ordinance authorizing the borrowing of such money and the issuing of such bonds, shall be printed on each bond; which ordinance shall contain a statement showing the assessed valuation of all the taxable property of such City or Town, to be ascertained by the last assessment for City or Town purposes previous to the date of the passage of such ordinance, together with the amount of the existing indebtedness of such City or Town at the date of the passage of such ordinance, which indebtedness shall include the amount for which such bonds are issued, and also a statement signed by the Mayor and Clerk of such City or Town showing that such ordinance was passed by the votes of at least four Councilmen, and also the date of the approval and publication of such ordinance.¹

Bonds, how to be prepared and printed

¹ Bonds shall be signed by officers in office when time arrives for execution, though the bonds bear date prior to his entry into office. *Yesler v. Seattle*, 1 Wash. 308.

Bonds, how
to be sold.
Register of--
must be kept
and show
what.

§714. Such bonds shall be sold in such manner as the corporate authorities shall deem for the best interest of the City or Town. The Treasurer of such City or Town shall keep a register of all bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable of each and every bond executed, issued or sold under the provisions of this act.

Bonds, Levy
of annual tax
to pay inter-
est on.

§715. There shall be levied each year upon the taxable property of such City or Town, as the case may be, in addition to the tax for other purposes in said City or Town, a tax sufficient to pay the interest on such bonds as the same accrues and before seven years prior to the maturity thereof, an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes.

Remedy of
bond-holder
where Coun-
cil fail to levy
tax for pay-
ment.

§716. If the Council of any City or Town which has issued bonds under the provisions of this act shall fail, neglect or refuse to make the levy necessary to pay such bonds and interest coupons at maturity, and the same shall have been presented to the treasurer of such City or Town and payment thereof refused because of such failure, neglect or refusal to make such levy, the owner may file such bond together with all unpaid coupons with the Auditor of the County in which such City or Town is situated, taking his receipt therefor, and the same shall be registered in the Auditor's office of such County, in like manner and form as the same was originally registered by the Treasurer of the City or Town issuing the same; and the County Commissioners of such County shall, at their next session thereafter at which they shall levy the annual County tax and each annual levy thereafter, add to the County tax to be levied in said City or Town a sufficient rate to realize the amount of principal and interest past due, and to become due prior to the next annual levy, and the same shall be collected as part of the County tax and paid into the County treasury and passed to the credit of such City as a bond tax and shall be paid by the Treasurer of the said County, on warrants drawn by the County Auditor as the payments mature, to the holder of such bond as shown by the register of the County Auditor, until the same shall be fully satisfied and discharged; provided, that nothing in this section shall be

construed to limit or postpone the right of any holder of any such bonds to resort to any other remedy which such holder might otherwise have.

§717. The provisions of this act shall not be construed as applying to borrowing money and issuing bonds by any City or Town for the purpose of supplying such City or Town with water, artificial light and sewers, or either, or both or all such water works, artificial light or sewers, where the works for supplying such water, light and sewers, shall be owned and controlled by such City or Town, but in all things relating to such named purposes the provisions and amendments thereto of an act entitled, "An act authorizing Cities and Towns to construct internal improvements and to issue bonds to pay therefor, and declaring an emergency," which said act was approved, March twenty-sixth, eighteen hundred and ninety, shall be and remain in full force and effect.

Provisions of this act. How to be construed.

§718. The provisions of this act shall not be construed as in any manner applying to Cities of the first class.

Same. Shall not apply to Cities of first-class.

§719. Any City or Town now having a corporate existence in this State may ratify in the manner prescribed in this act, the attempted incurring of any indebtedness of such City or town by the issuing of warrants, making of contracts or the creation of other evidences of indebtedness on the part of such City or Town by the corporate authorities thereof, at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such City or Town, exceeded one and one-half per centum of the taxable property in such City or Town ascertained by the last assessment for City or Town purposes, previous to the attempted incurring of such indebtedness, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters therein voting at an election held for that purpose.

Municipal corporations may ratify attempted incurring of indebtedness, when

Ratification
of attempted
incurring of

§720. Whenever the City Council or other legislative body of any such City or Town shall deem it advisable that the ratification authorized by this act shall be obtained, the corporation shall provide therefor by ordinance which shall specify separately the amount of each distinct class of indebtedness so as to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness comprised in each such distinct class and shall provide for the holding of an election for that purpose of which thirty days notice to be provided for in such ordinance, shall be given in the official newspaper or newspapers of such City or Town, at which the attempted incurring of such indebtedness shall be submitted to the voters of such City or Town for ratification or disapproval. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance.

Indebtedness
becomes valid
and binding,
obligation,
when —

§721. If at an election held as provided for in section seven hundred and twenty of this volume of general statutes, three-fifths of the voters in such City or Town voting at such election shall vote in favor of the ratification of any distinct class of such indebtedness specified in the ordinance providing for such election then such indebtedness so ratified, shall thereby become and is hereby declared to be validated and a binding obligation upon such City or Town, when the only ground of the previous invalidity of such indebtedness is that at the time of the incurring thereof so ratified, the same together with all other then existing indebtedness of such City or Town exceeded one and one-half per centum of the taxable property in such City or Town, ascertained by the last previous assessment for City or Town purposes; provided, that neither anything in this act contained, nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness which, together with all other indebtedness of such City or Town, existing at the time of the attempted incurring of the same, exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such City or Town voting at an election to be held for that purpose, and provided further, that this act shall apply only

to indebtedness attempted to be incurred prior to the passage hereof.¹

§722. At any election which may be held in any City or Town in this State in accordance with the constitution and laws thereof, for the purpose of voting upon the question of ratifying any indebtedness of such City or Town, theretofore attempted to be incurred by such City or Town, such City or Town may submit to the voters thereof, any proposition to fund such indebtedness so sought to be ratified, or any existing indebtedness of such City or Town, or both. The proposition to ratify such indebtedness and the proposition to fund the same may be submitted to the voters in such City or Town by the corporate authorities thereof in the same, or in separate ordinances, as may be required or permitted by law; but the proposition to fund shall be the subject of a distinct vote in favor of or against the same, separate from the vote upon the proposition to ratify, and separate from the vote upon a proposition to fund any part of such indebtedness as to which a proposition to ratify is not submitted.

Funding or
ratifying
debt. Ques-
tion of, how
may be sub-
mitted.

§723. If at any such election any such indebtedness so proposed to be ratified shall be validated in accordance with the requirements of the Constitution and statutes of this State, any vote cast at such election in accordance with the requirements of section seven hundred and twenty-two of this volume of general statutes, upon a proposition to fund said indebtedness so validated by the issuing of bonds therefor, shall have the same effect as an assent to or dissent from the funding of such indebtedness, as if such indebtedness had been validated previously to the passage of the ordinance submitting such proposition to fund the same.²

Effect of vote
upon proposi-
tion to fund
validated in-
debtedness.

¹ March 7, 1891.

² The foregoing act held constitutional and its various sections fully discussed in *Baker v. Seattle*, 2 Wash., 576.

TITLE I, CHAPTER III, 1 HILL'S CODE, p. 916.

OF BONDS TO REFUND INDEBTEDNESS.

Bonds may be refunded when— §2691. All bonds heretofore issued by any County or City may be refunded in the discretion of the County Commissioners of the County or Common Council of the City, in the manner hereinafter provided, whenever there is not sufficient money in the treasury of such County or City to pay such bonds and legally applicable thereto.

Requisites of bonds. When payable, interest, etc. §2692 Said bonds shall be in denominations of not less than one hundred nor more than one thousand dollars, shall be numbered from one up consecutively, shall bear the date of their issue, shall be made payable not more than twenty years from date and shall bear interest at a rate not exceeding seven per cent per annum, payable semi-annually, with interest coupons attached, and the principal and interest shall be made payable at such place as may be designated. The bonds and each coupon shall be signed by the Chairman of the board of County Commissioners, and attested by the Clerk under the seal of the Commissioners, or, in case of Cities, by the Mayor, and attested by the City Clerk under the seal of the City.

Levy of annual tax to pay interest on bonds. §2693. There shall be levied each year a tax upon the taxable property of such County or City, as the case may be, sufficient to pay the interest on said bonds as the same accrues, and before five years prior to the maturity thereof, an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible as other taxes.

How bonds shall be printed and endorsed. §2694. Said bonds shall be printed or engraved or lithographed on good bond paper, and a duly authenticated copy of this act, together with the resolution of the board of County Commissioners or Common Council of the City authorizing and directing the issuance of the same, shall be printed on the back of each bond.

Sale of bonds and application of proceeds. §2695. The bonds issued under and by virtue of this chapter shall not be sold or exchanged at less than their par value, and all moneys derived from the sale of such bonds shall be immediately applied to the redemption of outstanding bonds, so far as such moneys can be applied, and after such outstanding bond shall have been so refunded, they shall be so endorsed in red ink with the words "Refunded bond,"

and filed and preserved for one year, and shall then be destroyed in the presence of witnesses, and the Clerk, the Commissioners or City shall keep a record of such bonds so refunded, and shall note therein the date of the refunding and destruction of the same, and in whose presence they were destroyed.

§2696. A register shall be kept of all bonds, which register shall show the number, date, amount, interest, name of payee, and when and where payable, of each and every bond executed, issued or sold under the provisions of this chapter.

Bond register to be kept and to show what—

CHAPTER XCVI, LAWS 1893, p. 231.

BONDS TO BE ISSUED FOR INTERNAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to internal improvements in Cities, authorizing the issuance and collection of bonds upon the property benefited by local improvements, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That whenever the Mayor and Council of any City shall, under authority vested in them by any law of this State and the charter of such City, cause any street, avenue or alley in such City to be graded, curbed, guttered, paved, repaired, or macadamized or re-macadamized, planked or re-planked, or any sewer to be constructed or make any other local improvements, the expense of which is chargeable to the abutting, adjoining, contiguous or approximate property, they may, in their discretion, provide for the payment of the cost and expense thereof by installments, instead of levying the entire tax of special assessments for such costs at one time, and for such installments they may issue in the name of the City improvement bonds of the district, which shall include the adjoining, contiguous and approximate property liable to assessment for such local improvement according to the City charter, payable in installments of equal amounts each year, none of which bonds nor any of the installments thereof shall run longer than ten years nor bear interest exceeding nine per centum

Provision for payment of expenses in installments.

Bonds may be issued to contractor or sold.	per annum Such bonds may be issued to the contractor constructing the improvement in payment thereof, or the Mayor or Council, or by charter and ordinance of said City, other authorized officer or officers of said City may sell the same at not less than their par value net, and pay the proceeds thereof to the contractor. Such bonds shall not be issued in amount in excess of the contract price of the work and improvement, except that the installment coupons shall include the interest on such installments to the maturity thereof. The bonds shall be of such denominations as the Mayor and Council shall deem proper. Where district bonds are issued under this act for improvements, the cost of which is by law charged by special assessment against specific property, the Mayor and Council, or other authorized officer, board or body, shall levy special assessments each year sufficient to redeem the installments of such bonds next thereafter maturing, but in computing the amount of special assessment to be levied against each piece of property liable therefor, interest thereon at a rate not exceeding nine per centum per annum from the date of the issuance of said bonds until the maturity of the installment of bonds next thereafter maturing. Such assessments shall be made upon the property chargeable for the cost of such improvements respectively, and shall be levied and collected in the same manner as may be provided by law and the charter and ordinance of such City for the levy and collection of special assessments for such improvements where no bonds are issued except as otherwise provided by this act. But the basis of such assessment, whether upon assessed valuation, frontage or otherwise liable for such costs shall be retained for the assessment of succeeding installments of said bonds. The owner of any piece of property liable to any such special assessment may redeem his property from such liability by paying the entire assessment chargeable against his property, (upon the City Clerk mailing him a written or printed notice) thirty days before the issuance of the bonds, or after the issuance of the bonds, by paying all the installments of the assessments which have been levied and also the amount of unlevied installments with interest on the latter at the rate of eight per centum per annum, from the date of the issuance of the bonds to the time of maturity of the last installment. In all cases where installments of assessments not yet levied and paid as above provided, whether before or after the issuance
Amount of bonds issued.	
Assessments levied and collected, how—	
Basis of assessment.	
How property may be redeemed from assessment charge.	

of the bonds, the same shall be paid to the City Treasurer, who shall receipt therefor and all sums so paid shall be applied solely to the payment of such improvements or the redemption of the bonds issued therefor. Where any piece of property has been redeemed from liability for the cost of any improvement as herein provided, such property shall not thereafter be liable for further special assessment for the cost of such improvement, except as hereinafter provided. No suit to set aside the said special assessment or to enjoin the making of the same shall be brought nor any defense to the validity thereof be allowed after the expiration of thirty days from the time the amount due on each lot or piece of ground liable for such assessment is ascertained and confirmed by the Council. The funds raised by such assessments shall be applied solely towards the redemption of said bonds.

Suit to enjoin or set aside may not be brought after thirty days.

SEC. 2. Such bonds when issued to the contractor constructing the improvement in payment therefor, or when sold as above provided, shall transfer to the contractor or other owner or holder all the right and interest of such City in and with the respect to every such assessment, and the lien thereby created against the property of such owners assessed as shall not have availed themselves of the provisions of this act in regard to the redemption of their property as aforesaid, shall authorize said contractor and his assigns, and the owners and holders of said bonds to receive, sue for and collect or have collected every such assessment embraced in such bond by or through any of the methods provided by law for the collection of assessments for local improvements. And if the City shall fail, neglect or refuse to pay said bonds, or to promptly collect any of such assessments when due, the owner of any such bonds may proceed in his own name to collect such assessment and foreclose the lien thereof in any court of competent jurisdiction, and shall recover in addition to the amount of such bonds and interest thereon at five per centum, together with the costs of such suit. Any number of holders of such bonds for any single improvement may join as plaintiffs, and any number of owners of the property on which the same are a lien may be joined as defendants in such suit. And such bonds shall be equal liens upon the property for the assessments represented by such bonds without priority of one over another to the extent of the several assessments against the several lots and parcels of land.

Bonds issued to contractor transfer City's lien on the property.

Foreclosure of lien.

Council may
re-assess.

SEC. 3. That in all cases of special assessment for local improvements of any kind against any property, persons, or corporations whatsoever wherein said assessments have failed to be valid in whole or part for want of form or insufficiency, informality or irregularity or non-conformance with the charter, provisions or law governing such assessments, the City Council or other authorized board or body shall be and they are hereby authorized to re-assess such special taxes or assessments, and to enforce their collection in accordance with the provisions of law existing at the time the re-assessment is made. And it is further provided, that whenever, for any cause, mistake or inadvertence the amount assessed shall not be sufficient to pay the cost of the improvement made and enjoyed by owners of property in the local assessment district where the same is made, that it shall be lawful and the City Council or other authorized board or body is hereby directed and authorized to make re-assessments on all the property in said local assessment district sufficient to pay for such improvement, such re-assessment to be made and collected in accordance with the provisions of the law or ordinance existing at the time of its levy.

SEC. 4. That nothing herein shall be construed as repealing or modifying any existing manner and method for Cities of the first-class to make improvements as herein provided for, but shall be construed as an additional and concurrent power and authority. Any City whose charter provides for the issuance of bonds for local improvements payable only from the proceeds of special assessments, is hereby authorized to issue such bonds in the manner and with the effect provided in such charter, and the holder of any such bond shall look only to the fund provided by such assessment for the principal or interest of such bond.

Remedy for
non-payment
of bonds con-
fined to en-
forcement of
assessments.

SEC. 5. The holder of any bond issued under the authority of this act shall have no claim therefor against the City by which the same was issued in any event except from the collections of the special assessments made for the improvement for which such bond was issued, but his remedy in case of no payment, shall be confined to the enforcements of such assessments. A copy of this section shall be plainly written, printed or engraved on the face of each bond so issued.

SEC. 6. Whereas there is no law providing for the establishment of local improvement districts in the Cities of this State, and whereas the establishment of such districts is essential to the interests of such Cities; therefore an emergency is hereby declared to exist and this law shall take effect and be in force from and after its passage and approval.¹

Approved March 9, 1893.

CHAPTER CLXX, LAWS 1895, p. 465.

AUTHORIZING COUNTIES, CITIES AND TOWNS TO ISSUE BONDS TO FUND OUTSTANDING INDEBTEDNESS.

AN ACT to authorize Counties, Cities and Towns to issue bonds to fund their outstanding indebtedness, and to provide for the levy and collection of a specific tax to pay the principal and interest on such bonds and declaring an emergency

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That any County, City or Town in the State of Washington, which now has or may hereafter have an outstanding indebtedness evidenced by warrants or bonds, whether issued originally within the limitations of the constitution of this State or of any law thereof, or whether such outstanding indebtedness has been or may hereafter be validated or legalized in the manner prescribed by law, may by its corporate authorities provide by ordinance or resolution for the issuance of funding bonds with which to take up and cancel such outstanding indebtedness in the manner hereinafter described. Provided, however, that nothing in this act shall be so construed as to prevent any such County, City or Town from funding its indebtedness as now provided by law.

SEC. 2. Funding bonds authorized to be issued by this act shall be in denominations of not less than one hundred dollars, nor more than one thousand dollars and shall be signed by the following corporate authorities: When issued by a County, the Chairman of the Board of County Commissioners, countersigned by the County Treasurer and attest-

Funding bonds, when and how issued.

Bonds, denominations of and how issued.

¹ This act construed and held valid. *Germont v. Tacoma*, 6 Wash. 365.

- Interest. ed by the County Auditor, who shall affix his official seal; when issued by a City or Town by its Mayor, countersigned by its Treasurer and attested by its Clerk who shall affix his official seal. They shall bear interest at a rate not to exceed seven per centum per annum payable semi-annually, which interest shall be evidenced by proper coupons attached to each bond. Such corporate authorities shall by ordinance or resolution provide for the manner of issuing and the form of said bonds, and the time or times when the same shall be made payable; but no bonds issued under this act shall be issued for a longer period than twenty years, and when they shall be made payable at different periods within said twenty years, they shall be divided into series not to exceed twenty in number, but there shall be as many series as there are different times of payment and all bonds included in each series shall be made payable at the same time. The principal and interest may be made payable at any place in the United States designated by the corporate authorities of such County, City or Town. Such bonds shall not be issued to an aggregate amount in excess of the warrants or other outstanding indebtedness proposed to be funded thereby. They may be exchanged at not less than their par value for such warrants or other outstanding indebtedness or may be sold at not less than their par value, and the proceeds used exclusively for the purpose of retiring and cancelling such warrants and interest thereon or other indebtedness. Provided, that nothing in this act contained shall be deemed to authorize the issuing of any funding bonds, which, other than proposed to be funded under the provisions of this act, shall exceed any constitutional limitation of indebtedness or any indebtedness which might be incurred with the assent of three-fifths of the voters of such County, City or Town voting at an election to be held for that purpose.
- Bonds, manner of issuing and form of- SEC. 3. Before any bonds shall be issued under the provisions of this act, such corporate authorities shall cause a notice of the proposed issuance of such bonds to be given by publication in a daily or weekly newspaper of general circulation, published in the County proposing to issue such bonds or in which County such City or Town is situated, at least once a week for four consecutive weeks. Such notice shall state for what purpose and the total amount for which it is so proposed to issue bonds, and if to be divided into series, then into how many series the same are to be
- Bonds, where payable.
- Notice of bond issue published.
- Notice to contain what

divided and the amount of and period for which each series is to run, also the hour and day for considering bids for such bonds and asking bidders to name the price and rate of interest at which they will purchase such bonds, and if such bonds are to be divided into series, then to name such price and rate for each series of such bonds separately; and at the time named in such notice it shall be the duty of the corporate authorities to meet with the Treasurer of the County, City or Town proposing to issue such bonds, at his office and with him open said bids, and shall sell said bonds to the person or persons making the most advantageous offer therefor; Provided, however, that said bonds shall never be sold or disposed of below par, and such corporate authorities shall have the right to reject any and all bids, and if all such bids shall be rejected, such corporate authorities shall proceed to advertise readvertise the sale of said bonds in the manner herein provided.

Bids when
and where
opened.

SEC. 4. The corporate authorities of any such County, City or Town shall provide annually by ordinance or resolution for the levy and extension on the tax rolls of such County, City or Town and for the collection thereof of a direct annual tax in addition to all other County, City or Town taxes to be levied according to law, which shall be sufficient to meet the interest on all of said bonds promptly as the same matures, and also sufficient to fully pay each series of bonds as the same matures; Provided, that such ordinance or resolution shall not be repealed until the levy therein provided for shall be fully paid or the bonds both principal and interest shall be paid or canceled

Levy how
provided for

SEC. 5. The Treasurer shall keep a register of the bonds issued under the provisions of this act wherein he shall enter the series of each bond, its number, date of issuance, amount, date of maturity, name of postoffice address of purchaser and date of cancellation.

Treasurer to
register
bonds issued.

SEC. 6. The words "corporate authorities" used in this act, shall be held to mean the County Commissioners, Common Council or other managing body of any County, City or Town.

Corporate
authorities
defined.

SEC. 7. Whereas an emergency exists for the immediate effect of this law; therefore this act shall take effect immediately.

Approved March 22, 1895

CHAPTER CXVI, LAWS 1895, p. 297.

TEMPORARY FUNDS FOR CURRENT EXPENSES OF COUNTIES, CITIES, ETC.

AN ACT to authorize Counties, Cities, Towns and school districts to provide temporary funds for current expenses, in anticipation of revenue.

Be it enacted by the Legislature of the State of Washington:

Anticipated
revenue.

SECTION 1. That any County, City, Town or school district in this State may borrow money or issue warrants in anticipation of its revenue, to meet its current general expenses, as hereinafter provided; provided, however, that no County, City, Town or school district now or hereafter having an outstanding warrant or floating indebtedness, not funded, shall be permitted to take advantage of the provisions of this act until said indebtedness shall be paid, funded, canceled or exchanged (as provided in section 6 of this act,) or otherwise paid.

Deficiency re-
ported by
treasurer.

SEC. 2. That whenever any tax shall have been actually levied, and it shall appear to the Treasurer of any such County, City, Town or school district that there are no funds in his hands, as such Treasurer, with which to meet the current general expenses of such County, City, Town or school district for which such tax has been levied, he shall report such fact to the board of County Commissioners, the Common Council, the board of trustees, or education, or other managing body of such County, City, Town or school district, and if in the opinion of a majority of said board, council or other managing body, it is necessary to provide temporary funds for such purposes, such necessity shall be declared by proper order, ordinance or resolution, specifying the amount of such proposed loan or loans, and shall give notice of such proposed loan or loans, by publication once a week for two consecutive weeks in some newspaper of general circulation in the County, calling for bids for such loan or loans, to be submitted within five days from the last publication of such notice, and shall award the same to such bidder as shall offer the lowest rate of interest and the most satisfactory terms, and thereupon the Treasurer shall be authorized, and it shall be his duty to proceed to make such loan or loans in the manner and according to the terms of such order, ordinance or resolution and award;

Notices.

provided, however, that the notes or warrants authorized to be issued under the provisions of this act shall not be discounted or disposed of for less than the par value thereof.

SEC. 3. Whenever such temporary loan or loans shall be made, as provided in the foregoing section, and the total indebtedness of such County, City, Town or school district, including such proposed loan or loans, shall not exceed any constitutional or statutory limitation of indebtedness, a note or notes shall be issued and signed, as provided in this section, such note or notes to be in denominations of not less than one hundred dollars and not more than one thousand dollars, and shall draw interest at not to exceed eight per centum per annum, and shall be payable within a period not to exceed one year; provided, however, that if any such note or notes shall not be paid at maturity the same may be renewed for such further period, or periods, as shall be necessary. All notes issued under the provisions of this section shall be substantially in the following form:

Temporary
loans, how
made.

TEMPORARY LOAN.

(Insert name of municipality), State of Washington.
\$ (insert amount). Loan No. (insert No).

(Insert name of place,) Washington, (insert date).

For value received (insert time of payment) after date, the Treasurer of the (insert name of County, City, Town or school district) will pay out of any delinquent or anticipated revenues from all sources, when collected, to the order of (insert name of payee) the sum of (insert amount) dollars, lawful money of the United States, with interest from date at the rate of (insert rate) per centum per annum.

Countersignature:
..... (Signature and title of officer).
(Title of countersigning officer).

Attest:
(Seal, if any). (Attestation and title of attesting officer).

SEC. 4. Whenever the indebtedness of any such County, City, Town or school district shall have reached the limitation or limitations prescribed by the Constitution or general laws of this State, note or notes issued for the purpose of this act shall be in denominations of not less than one hundred dollars and not more than one thousand dollars, and shall draw interest at not to exceed eight per centum

Limitation
exceeded.

per annum, and shall be payable within a period not to exceed one year, and shall be substantially in the following form :

TEMPORARY LOAN.

(Insert name of municipality,) State of Washington.
\$ (insert amount). Loan No. (insert No).

(Insert name of place,) Washington, (insert date).

For value received (insert time of payment) after date, the Treasurer of the (insert name of County, City, Town or school district) will pay out of any delinquent or anticipated revenues of said (insert name of County, City, Town or school district) for the year (insert year of levy,) when collected, to the order of (insert name of payee) the sum of (insert amount) dollars, lawful money of the United States, with interest from date at the rate of (insert rate) per centum per annum.

This note shall not be construed to be a debt or obligation of the (insert name of County, City, Town or school district). It is secured by an assignment of sufficient of the revenues of said (insert name of County, City, Town or school district) to be received under and by virtue of the tax levy for the year (insert year of levy,) and payment hereof is restricted to such revenues, and the Treasurer is authorized and directed to set aside and reserve such revenues, when collected, or so much thereof as shall be necessary for the payment thereof at maturity. This note is issued under and is within all the limitations prescribed by and is payable in the manner specified in an act entitled (insert title of this act,) approved (insert date of approval of this act).

Countersignature:
....., (Signature and title of officer).
(Title of countersigning officer).

Attest:
(Seal, if any). (Attestation and title of attesting officer).

Renewals.

Provided, however, that if any such note or notes shall not be paid at maturity, the same may be renewed for such period or periods as shall be necessary; provided further, that in no case when the total amount of taxes paid in on any levy, together with all outstanding loans, or warrants issued against said levy, shall be equal to seventy-five per centum of said levy, shall it be lawful to make any addi-

tional loan or loans, but in such case warrants may be issued as hereinafter provided; and provided also, that it shall not be lawful to make any temporary loan or loans, nor to issue any warrants against said levy during any one month when the total amount of outstanding loans and warrants made and issued against said levy during said month (exclusive of warrants issued for interest payments and outstanding loans maturing during said month) shall be equal to one-eighth of the total amount of such levy.

SEC. 5. Whenever any such County, City, Town or school district shall have reached its limit of indebtedness as specified in the preceding section, and shall desire to issue warrants, such warrants shall be in manner and form as now required by law, except that each shall contain a clause declaring that the same is not a debt or obligation of such County, City, Town or school district, and distinctly limiting the payment thereof, and the payment of interest accruing thereon, to the revenues to be derived from the levy then actually made, and against which the same is drawn; and in case any such warrant shall be presented for payment and there shall be no funds on hand with which to pay the same, it shall be indorsed, "Presented for payment and not paid for want of funds," together with the date of presentation, and shall thereafter draw interest at the legal rate, but such indorsement shall in no case operate to make such warrant a debt or obligation of said County, City, Town or school district, or in any manner extend the payment thereof to any revenue or revenues than that or those against which the same was originally drawn.

SEC. 6. That when any warrants shall have been issued, as now provided by law, or as provided in this act, and shall be outstanding and not called for payment, and the board, council or other managing body of any County, City, Town or school district shall deem it necessary or advisable to cancel or exchange the same, and there shall be no funds on hand with which to effect such cancellation, then, in such case, said board, council or other managing body shall, by a majority vote, duly authorize the Treasurer to make a temporary loan or loans in the manner hereinbefore provided with which to take up and cancel such warrants, or may cause to be issued, in the manner hereinbefore provided, note or notes in exchange therefor; but in all cases, before any such note or notes shall be issued, said Treasurer authorized to borrow, when.

Published notice. Treasurer shall publish a notice calling for the warrants it is proposed to so cancel or exchange, said notice to be so published once a week for two consecutive weeks in some newspaper of general circulation in the County; and interest on such warrants shall cease ten days after the date of the last publication of such notice (if said warrants are not sooner presented;) and when warrants aggregating an amount not less than five hundred dollars shall be so presented a note or notes may be issued in exchange therefor, or with which to obtain funds to cancel the same.

Reserve fund. SEC. 7. That in all cases where any temporary loan or loans shall have been made and any note or notes shall have been issued as provided in this act, it shall be the duty of the Treasurer of such County, City, Town or school district, to set aside and reserve out of all revenues, when collected, an amount sufficient to meet the payment of such note or notes at maturity, and said revenues so set aside and reserved shall not be diverted to any other purpose so long as such loan or loans shall remain outstanding and unpaid; provided, that when any temporary loan or loans shall have been made, as provided in section four of this act, and any note or notes shall have been issued as therein provided, or when any warrant shall have been issued as provided in section five of this act, then, and in such case, such Treasurer shall set aside, and reserve when collected, for the payment of such note or notes, or warrants, only such revenues as shall be derived from the levy against which said note or notes, or warrant, is drawn, and such revenues shall not be diverted to any other purpose so long as such note or notes, or warrants, shall remain outstanding and unpaid; provided, that when any such Treasurer may have five hundred dollars on hand applicable to the payment of any such warrants, he shall publish a call for such warrants in the manner prescribed in section six of this act, and shall redeem the same in the order of their issuance; provided, however, that no such warrants shall be paid while any note or notes issued against said levy under the provisions of section four of this act remains outstanding and unpaid, unless there shall be funds on hand with which to pay such note or notes at maturity.

Warrants, payment of.

Notes, signed by whom. SEC. 8. All notes issued under the provisions of this act shall be signed by the following officers before the same shall be delivered to the purchaser: When issued by a

County, the chairman of the board of County Commissioners, countersigned by the County Treasurer and attested by the County Auditor, who shall affix thereto his official seal; when issued by a City or Town, by its Mayor, countersigned by its Treasurer (and Comptroller, if any,) and attested by its Clerk, who shall affix thereto its corporate seal; when issued by a school district, by the chairman of its board of education or directors, countersigned by the County Treasurer and attested by the Clerk of said district, who shall affix thereto his official seal, if he have any.

SEC. 9. The Treasurer of such County, City, Town or school district shall keep separate registers of all notes and of all warrants issued under the provisions of this act. The register of notes shall at least contain the number of each note, date when issued, to whom issued, where payable, rate of interest, when payable, whether issued generally against such revenue or specially against a specific tax levy, date when paid or renewed, to whom paid or renewed, and shall be kept substantially according to the following form:

Notes to be registered.

REGISTER OF NOTES.

No.	When issued	To whom issued	Where payable	Rate of interest	When payable	Amount issued generally against revenue	Amount issued against tax levy for year	Date paid or renewed	Amount paid	Amount renewed	To whom paid or renewed
-----	-------------	----------------	---------------	------------------	--------------	---	---	----------------------	-------------	----------------	-------------------------

Such register of warrants shall at least contain the number of such warrant, date when issued, to whom issued, the tax levy against which it is issued, when presented or indorsed, amount, date called for redemption, when paid, amount paid, to whom paid, whether canceled or exchanged by the issuance of notes, and shall be kept substantially in the following form:

GENERAL LAWS.

REGISTER OF SPECIAL WARRANTS.

To whom paid	To whom paid
Amount renewed.....	Cancelled by note number
Amount paid.....	To whom paid
Date paid or renewed.....	Amount paid.....
Amount issued against tax levy for year ———	When paid.....
Amount issued generally against revenue	Date called for redemption.....
When payable.....	Amount
Rate of interest.....	Date presented or indorsed
Where payable.....	Issued against tax levy for year ———
To whom issued.....	To whom issued.....
When issued.....	When issued.....
No.	No.

Interest not compounded.

SEC. 10. Whenever any note or notes shall have been issued according to the provisions of this act, and shall become due and payable, and there shall be no funds on hand with which to pay the same, or any interest thereon, and it shall be deemed desirable to renew said note or notes, as provided in this act, the interest due upon said note or notes shall not be included in the sum for which said note or notes shall be renewed, but warrant or warrants may be issued therefor; and said warrant or warrants shall be non-interest bearing, and shall so state upon their face, and shall be paid only when there shall be sufficient funds on hand, received from the revenues against which the original note or notes was issued.

SEC. 11. This act shall not be construed to prevent any County, City, Town or school district from issuing warrants, as heretofore provided by law, but it shall be optional with such County, City, Town or school district to issue such warrant, or issue warrants or make temporary loans, as provided by this act.

Approved March 20, 1895.

1 In enrolling this law the enrolling clerk inserted the wrong heading for warrant register. The proper heading is inserted in brackets.

ELECTION LAWS APPLICABLE TO CITY ELECTIONS.

All male persons of the age of twenty-one years or over, possessing the following qualifications, shall be entitled to vote at all elections. They shall be citizens of the United States, they shall have lived in the State one year, and in the County ninety days, and in the City, Town, Ward or Precinct thirty days immediately preceding the election at which they offer to vote: Provided, that Indians not taxed shall never be allowed the elective franchise: Provided further, that all male persons who at the time of the adoption of this constitution are qualified electors of the Territory, shall be electors. (Sec. 1, Art. VI, Constitution.)

Qualification
of electors.

All ballots cast at elections for public officers within this State (except school and irrigation district officers and road overseers), shall be printed and distributed at public expense as hereinafter provided. The printing of ballots and cards of instruction for the electors in each County, and the delivery of the same to the election officers, as hereinafter provided, shall be a County charge, the payment of which shall be provided for in the same manner as the payment of other County expenses; but the expense of printing and delivering the ballots shall, in the case of municipal elections, be a charge upon the City or Town in which such election shall be held. (Sec. 363, Code.)

Ballots to be
printed and
distributed at
public ex-
pense.

Any convention, primary meeting, or primary election, as hereinafter defined, held for the purpose of making nominations for public office, and also electors to the number hereinafter specified, may nominate candidates for public office, to be filled by election within the State. A convention, or primary meeting, within the meaning of this chap-

Candidates
for office
how nomi-
nated.

ter, is an organized assemblage of electors or delegates, representing a political party or principle; and a primary election is a legally conducted election for the nomination of candidates for public office. (Sec. 364, Code.)

Nomination,
how to be
certified.

All nominations made by such convention, primary-meeting, or primary election, shall be certified as follows: The certificate of nomination, which shall be in writing, shall contain the name of each person nominated, his residence, his business, his address, and the office for which he is named, and shall designate in not more than five words the party or principle which such convention, primary meeting or primary election represents, and it shall be signed by the presiding officer and Secretary of such convention, or primary meeting, or, in case of a primary election, by one of the Judges and the Clerk thereof, who shall add to their signatures their respective place of residence, their business, and addresses. Such certificate made out as herein required shall be delivered by the Secretary or President of such convention or primary meeting, Clerk or Judge of the primary election, to the Secretary of State, or the Clerk of the Board of County Commissioners, as hereinafter required. (Sec. 365, Code.)

Filing of certificates of
nomination.

Certificates of nomination of candidates for offices to be filled by the electors of the entire State, or of any division or district greater than a County, shall be filed with the Secretary of State. Certificates of nomination for County and Precinct offices shall be filed with the Clerks of the Boards of County Commissioners of the respective Counties wherein the officers are to be elected. Certificates of nomination for municipal offices shall be filed with the Clerks of the respective municipal corporations wherein the officers are to be elected. The certificate of a nomination for an office in a district composed of more than one County shall be filed in the offices of the Clerks of the Boards of County Commissioners of all the Counties to be represented by such joint officer or member. (Sec. 366, Code.)

Nominations
how made.

Candidates for public office may be nominated otherwise than by convention or primary meeting, or primary election, in the manner following: A certificate of nomination containing the name of the candidate for the office, to be filled with such information as is required to be given in certificates provided for in in Section 365 of Volume I, Hills' Annotated Codes and

Statutes of Washington, shall be signed by electors residing within the district or political division in, and for which the officer or officers are to be elected in the following numbers: The number of signatures shall not be less than one thousand when the nomination is for an office to be filled by the electors of the entire State; and not less than three hundred when the election is for an office to be filled by the electors of a County, District or other division less than a State; and not less than twenty-five when the nomination is for an office to be filled by the electors of a township, precinct or ward; Provided, that the said signatures need not all be appended to one paper. Each elector signing a certificate shall add to his signature, his place of residence, his business and his address. Such certificate may be filed as provided for in Section 306 of Volume I, Hills' Annotated Statute and Codes of Washington, in the same manner and with same effect as a certificate of nomination made by a party convention, primary meeting or primary convention. (367 Code as amended by Laws 1895, p. 387.)

No certificate of nomination shall contain the name of more than one candidate for each office to be filled. No person shall join in the nomination of more than one person for each office to be filled, and no person shall accept a nomination to more than one office. (Sec. 368, Code.)

The Secretary of State and the Clerks of Boards of County, Commissioners of the several Counties and of the several municipal corporations shall cause to be preserved in their respective offices for six months, all certificates of nomination filed in their respective offices under the provisions of this chapter. All such certificates shall be open to public inspection under proper regulations, to be made by the officers with whom the same are filed. The Board of County Commissioners of each County in the State shall, at their first session after the taking effect of this chapter, divide their respective Counties into election precincts, and establish the boundaries of the same. Such Board of Commissioners shall designate one voting place in each precinct, and each precinct shall contain two hundred and fifty electors, or less, based on the number of votes cast at the last general election; but no precinct shall contain more than three hundred electors. If at any election hereafter three hundred or more votes shall be cast at any voting place, it shall be the duty of the inspector in such precinct to report the same to the Board of County Commissioners, who shall,

Nominations
restricted:
certificates
to contain
one name.

Duty of Secretary of
State and
Clerk of Com-
missioners;
election pre-
cincts

at their next regular meeting, divide such precinct as nearly as possible so that the new precincts formed thereof shall each contain two hundred and fifty electors, as nearly as practicable. (Sec. 369, Code.)

When to file
certificates of
nomination.

Certificates of nominations to be filed with the Secretary of State shall be filed not more than sixty days and not less than thirty days before the day fixed by law for the election of the persons in nomination. Certificates of nomination herein directed to be filed with the Clerk of the Board of County Commissioners shall be filed not more than sixty days and not less than twenty days before the election. Certificates for the nomination of candidates for municipal offices shall be filed with the Clerks of the respective municipal corporations not more than thirty days and not less than three days previous to the day of election: Provided, that the provisions of this section shall not be held to apply to nominations for special elections to fill vacancies caused by death, resignation or otherwise. (Sec. 370, Code.)

Secretary of
State to cer-
tify names of
nominees.

Not less than twenty nor more than thirty days before an election to fill any State or District office, the Secretary of State shall certify to the Clerk of the Board of County Commissioners of each County within which any of the electors may by law vote for candidates for such office, the name and place of residence of each person nominated for such office, as specified in the certificates of nomination filed with the Secretary of State. (Sec. 371, Code.)

Publication
of nomination.

At least ten days before an election to fill any public office, other than a municipal office, the Clerk of the Board of County Commissioners of each County shall cause to be published in one or more newspapers within the County the nominations to office certified to him under the provisions of this chapter. The Clerk of the Board of County Commissioners shall make such publications daily, until the elections, in Counties where daily newspapers are published; but if there be no daily newspaper published within the County, two publications in each newspaper will be sufficient; and if there be no paper published in any County, written or printed notices shall be posted in not less than three conspicuous places in such precinct. One of such publications in each newspaper shall be upon the last day upon which such newspaper is issued before election. In the case of municipal elections, such publications shall be made in one or more newspapers devoted to the dissemina-

tion of general news, and published within the municipal corporation in which the election is to be held, at least three days before the election, the publication to be daily, until election, where there are daily newspapers; but if there be no daily newspaper published within the municipal corporation, one publication in each newspaper shall be sufficient, and if there be no newspaper, the notice shall be posted as above provided. (Sec. 372, Code.)

Whenever any person nominated for public office, as in this chapter provided, shall, at least twenty days before election, except in the case of municipal elections, in a writing signed by him, notifying the officer with whom the certificate nominating him is by this chapter required to be filed, that he declines such nomination, such nomination shall be void. In municipal elections such declination must be made at least two days before the election. (Sec. 373, Code.)

Nominations
void if de-
clined in
writing.

Should any person so nominated die before the printing of the tickets, or decline the nomination as in this chapter provided, or should any certificate of nomination be or become insufficient or inoperative from any cause, the vacancy or vacancies thus occasioned may be filled in the manner required for original nominations. If the original nomination was made by a party convention which had delegated to a committee the power to fill vacancies, or by primary election, the committee of the political party he represents may, upon the occurring of such vacancy, proceed to fill the same. The Chairman and Secretary of such committee shall thereupon make and file with the proper officer a certificate setting forth the cause of the vacancy, the name of the person nominated, the office for which he was nominated, the name of the person for whom the new nominee is to be substituted, the fact that the committee was authorized to fill vacancies, and such further information as is required to be given in an original certificate of nomination. The certificate so made shall be executed in the manner prescribed for the original certificate of nomination, and shall have the same force and effect as an original certificate of nomination. When such certificate shall be filed with the Secretary of State, he shall, in certifying the nominations to the various County Clerks, insert the name of the person who has thus been nominated to fill a vacancy in place of that of the original nominee. And in the event that he has already set forth his certificate, he shall forth-

Filling o
vacancies,
nominations
for.

with certify to the Clerks of the Boards of County Commissioners of the proper Counties the name and place of residence of the person so nominated to fill a vacancy, the office he is nominated for, the party or political principle he represents, and the name of the person for whom such nominee is substituted. (Sec. 374, Code.)

Stickers to be
used.

When any vacancy occurs before election day and after the printing of the tickets and any person is nominated according to the provisions of this chapter to fill such vacancy, the officer whose duty it is to have the tickets printed and distributed, shall thereupon have printed a requisite number of stickers and shall mail them by registered letter to the Judges of election in the various precincts interested in such election, and the Judges of election whose duty it is made by the provisions of this chapter to distribute the tickets shall affix such stickers in the proper place on each ticket before it is given out to the elector. (Sec. 375, Code.)

Submission
of questions
for popular
vote.

Whenever a proposed constitution or constitutional amendment, or other question, is to be submitted to the people of the State for popular vote, the Secretary of State shall duly, and not less than thirty days before election, certify the same to the Clerk of the Board of County Commissioners of each County in the State, and the Clerk of the Board of County Commissioners of each County shall include the same in the publication provided for in section three hundred and seventy-two of this volume of general statutes. Questions to be submitted to the people of a County or municipality shall be advertised as provided for nominees for offices by said section. (Sec. 376, Code.)

Commission-
ers to provide
ballots—Vot-
ers to pre-
pare them.

Except as in this chapter otherwise provided, it shall be the duty of the Clerk of the Board of County Commissioners of each County to provide printed ballots for every election for public officers in which electors or any of the electors within the County participate, and to cause to be printed on the ballot the name of every candidate whose name has been certified to or filed with the County Clerk in the manner provided for in this chapter. Ballots other than those printed by the respective Clerks of Boards of County Commissioners, according to the provisions of this chapter, shall not be cast or counted in any election. Nothing in this chapter contained shall prevent any voter from writing or pasting on his ballot the name of any person for whom he desires to vote for any office, and such vote

shall be counted the same as if printed upon the ballot and marked by the voter, and any voter may take with him into the polling place any printed or written memorandum or paper to assist him in making or preparing his ballot, except as hereinafter otherwise provided. (Sec. 377, Code.)

Election for school and irrigation district officers and road overseers are excepted from the provisions of the preceding section, and in all municipal elections the duties specified in the preceding section as devolving on the Clerk of the Board of County Commissioners shall devolve on the municipal Clerk. (Sec. 378, Code.)

Exception as to election of certain officers.

All ballots prepared under the provisions of this chapter shall be white and of a good quality of paper, and the names shall be printed thereon in black ink. Every ballot shall contain at the head the names of all recognized political parties, in the order following; to wit: Republican ticket, Democratic ticket, People's Party ticket, Prohibition ticket, and any other party placing a full ticket in nomination, in the order in which the same shall be filed with the clerk of the board of County Commissioners. Every ballot shall contain the name of each candidate, once only, whose nomination for any office is specified or filed according to law, and no other names. All nominations of any party or group of petitioners shall be placed after the title of such party or group of petitioners as designated by them in their certificate of nomination or petition first filed; provided, that any candidate who has been nominated by two or more political parties may, upon a written notice filed with the clerk of the board of County Commissioners at least twenty days before any election is to be held, designate the political party after which title he desires to have his name placed. The name of each nominee shall be placed under the designation of the office for which he has been nominated, in the order following, to wit: Republican, Democratic, People's Party, Prohibition and any other party in the order filed with the clerk of the board of County Commissioners. Before the designation of the office shall be indicated the number of candidates for such office to be voted for at said election. At the end of the lists of all the political parties and the list of candidates for each office shall be left a blank space on the right side of each ticket extending the full length of the column of political

Ballots, how prepared.

Dual nominations, how provided for.

Ballots, general arrangement of.

parties and of the nominees, at least one-half inch in width, so that the voter may correctly indicate in the way hereafter provided the candidate or candidates for whom he wishes to cast his ballot. Upon each official ballot a perforated line, one-half inch from the left hand edge of such ballot, shall extend from the top of such ballot towards the bottom of the same for two inches, thence to the left hand edge of the ballot, and upon the space thus formed there shall be no printing except the number of such ballot, which shall be upon the back of such space, in such position that it shall appear upon the outside when the ballot is folded. The County Auditor shall cause official ballots to be numbered from one upwards, consecutively, beginning with number one for each separate voting precinct. Official ballots for a given precinct shall not contain the names of nominees for Justices of the Peace and Constables of any other precinct, except in cases of municipalities, where a number of precincts vote for the same nominees for Justices of the Peace and Constables, and in the latter event the ballot shall contain only the names to be voted for by the electors of such precincts. On the margin of each of said ballots, to the right, there shall be printed instructions directing the voter how to mark his ballot before the same shall be deposited with the judges of election. The arrangement of the ballot shall, in general, conform as nearly as possible to the plan hereinafter given.

GENERAL LAWS

71

Mark your ticket by placing an "X" in the space at the right of the name of the political designation of the party for whose candidates you wish to vote. These spaces are at the right of and at the top of this ballot.
If you desire to vote for any candidate of any other party, place an "X" in the space at the right of the name of such candidate.

REPUBLICAN TICKET.....		
DEMOCRATIC TICKET.....		
PEOPLE'S PARTY TICKET.....		
PROHIBITION TICKET.....		
<hr/>		
VOTE FOR TWO	REPRESENTATIVES IN CONGRESS.	
Republican.....	A	B
Republican.....	C	D
Democrat.....	E	F
Democrat.....	G	H
People's Party	I	J
People's Party	K	L
Prohibition	M	N
Prohibition	O	P
<hr/>		
VOTE FOR ONE	GOVERNOR.	
Republican.....	A	B
Democrat.....	C	D
People's Party.....	E	F
Prohibition.....	G	H
<hr/>		
VOTE FOR ONE	LIEUTENANT GOVERNOR.	
Republican.....	A	B
Democrat.....	C	D
People's Party	E	F
Prohibition.....	G	H
<hr/>		
VOTE FOR ONE	SECRETARY OF STATE.	
Republican.....	A	B
Democrat.....	C	D
People's Party	E	F
Prohibition.....	G	H

Whenever the Secretary of State has duly certified to the clerk of the board of County Commissioners any question to be submitted to the vote of the people, the clerk of

the board of County Commissioners shall have printed on the regular ballots, at the bottom thereof, the question in such form as will enable the electors to vote upon the questions so presented in the manner hereinafter provided. The clerk of the board of County Commissioners shall also prepare the necessary ballots in the same manner whenever any question is by law to be submitted to the vote of the electors of any locality, and not of the State generally; provided, however, that in all questions submitted to the voters of a municipal corporation alone, it shall be the duty of the City or Town Clerk to provide the necessary ballots. (Sec. 379 Code, as amended by laws 1895, p. 387).

Number of
ballots for
each pre-
cinct.

The Clerk of the Board of County Commissioners of each County shall provide for each election precinct in the County, two ballots for each elector registered in the precinct, and two tallying books that shall be printed in relation with the tickets. If there is no register in the precinct the Clerk of the Board of County Commissioners shall provide ballots to the number of two, for every elector who voted at the last preceding election in the precinct; provided, however, that in municipal elections it shall be the duty of the City or Town Clerk to provide tickets as specified in this section. (Sec. 380, Code, as amended by Laws 1893, p. 222, and Laws 1895, p. 390.)¹

Surplus bal-
lots to be de-
stroyed by
Judges be-
fore count-
ing ballots
cast.

It is hereby made the duty of the Judges of election for each election precinct immediately upon the closing of the polls, and before the ballots are counted, to destroy all unused ballots furnished for use at such precinct. (Sec. 2, Laws 1893, page 222.)

Error or
omission of
name from
ballot, how
cured.

Whenever it shall appear by affidavit that an error or omission has occurred in the publication of the names of the candidates nominated for office, or in the printing of the ballots, the Superior court of the County may, upon application of any elector, by order, require the Clerk of the Board of County Commissioners or municipal Clerk to correct such error or to show cause why such error should not be corrected. (Sec. 381, Code.)

Ballots to
whom fur-
nished.

Before the opening of the polls the Clerk of the Board of County Commissioners (or the municipal Clerk in the case of municipal elections), shall cause to be delivered to the

¹ Compare Laws 1895, p. 35.

Judges of election, of each election precinct which is within the County, (or with the municipality in the case of municipal elections) and in which the election is to be held, at the polling place of the precinct, the proper number of ballots provided for in section five¹ of this act. The ballots shall be given to the inspector of each election precinct, but in case it may be impracticable to deliver such ballots to the inspector, then they may be delivered to one of the Judges of election of any such precinct and in making the appointment of Judges of election under this chapter and other election laws of this State, not more than a majority of such Judges of election shall be appointed from any one political party for each precinct. (Sec. 382, Code, as amended by Laws of 1895, p. 390.)

The inspectors of election shall provide in their respective polling places a sufficient number of places, booths or compartments, which shall be furnished with such supplies and conveniences as shall enable the voter conveniently to prepare his ballot for voting, and in which electors may mark their ballots screened from observation, and a guard rail so constructed that only persons within such rail can approach within fifty feet of the ballot boxes, or the places, booths or compartments herein provided for. The number of such places, booths or compartments shall not be less than one for every fifty electors or fraction thereof registered, in the precinct, or voting at the last preceding election, where there is no registration. In precincts containing less than twenty-five voters, the election may be conducted under the provisions of this chapter without the preparation of such booths or compartments as required in this section. No person other than electors engaged in receiving, preparing or depositing their ballots, or a person present for the purpose of challenging the vote of an elector about to cast his ballot, shall be permitted to be within said rail, and in case of small precincts where places, booths or compartments are not required, no person or persons engaged in preparing his or their ballots shall in any way be interfered with by any person, unless it be some one authorized by the provisions of this chapter to assist him or them in preparing his or their ballot. The expense of providing such places or compartments and guard rails shall be a public charge and shall be provided for in the same manner as the

Inspectors to provide polling places; division of precincts.

¹ Code, Sec. 380, as amended. (Ante.)

other election expenses. On or before the first day of September of each year in which an election is to be held, the officers now charged by law with the division or alteration of election precincts shall, as far as necessary, alter or divide the existing election precincts in such manner that each election precinct shall not contain more than three hundred voters. (Sec. 383, Code.)

Ballots delivered of, to electors.

At any election it shall be the duty of the inspector or one of the judges of election to deliver ballots to the qualified electors. Any elector desiring to vote shall give his name to the inspector or one of the judges, who shall then in an audible tone of voice announce the same, whereupon a challenge may be interposed in the manner provided by law. If no challenge be interposed or if the challenge be overruled the inspector or one of the judges shall give him a ballot at the same time calling to the Clerks of election the number of such ballot. In precincts where there is a registration of voters it shall be the duty of such Clerks to write the number of the ballot against the name of such elector, as the same appears upon the certified copy of poll books of registration in their possession. In precincts where there are no registration of voters it shall be the duty of the Clerks to transcribe the name of the elector in the poll books, and against such name the number of the ballot delivered to the elector. Each qualified elector shall be entitled to receive from the said judges one ballot. (Code Sec. 384, as amended by Laws of 1895, p. 391.)

Ballots, how marked.

On receipt of his ballot the elector shall forthwith and without leaving the polling place retire alone to one of the places, booths or apartments, provided to prepare his ballot. If he desires to vote for all the candidates of any political party, he may make a cross "X" after the name against the political designation of such party, and shall then be deemed to have voted for all the persons named as the candidates of such party. If he desires to vote for any particular candidate of any other political party he may do so, by placing after the name of such candidate a mark "X." Provided, that if two or more candidates for such office are to be elected, then such voter shall place his mark "X" after the name of each of the candidates for whom he desires to vote for that particular office, and in that case such voter shall then be deemed to have voted for all the persons named as the candidates of the political party after

which he shall have made his mark "X" except those who are otherwise designated as herein provided. Each elector may prepare his ballot by marking a cross "X" after the name of every person or candidate for whom he wishes to vote. In case of a ballot containing a constitutional amendment or other question to be submitted to the vote of the people the voter shall mark a cross "X" after the question for or against the amendment or proposition as the case may be. Any elector may write in the blank spaces or paste over any other name, the name of any person for whom he may wish to vote. Before leaving the booth or compartment the elector shall fold his ballot in such a manner that the number of the ballot shall appear on the outside thereof without displaying the marks on the face thereof, and he shall keep it folded until he has voted. Having folded the ballot the elector shall deliver it folded to the inspector who shall in an audible tone of voice repeat the name of the elector and the number of the ballot. The election Clerks having the certified copies of the poll books of registration or poll books in charge, shall if they find the number marked opposite the electors name on the register or poll books to correspond with the number of the ballot handed to the inspector, mark opposite the name of such elector the word "voted," and one of the Clerks shall call back in an audible tone the name of the elector and the number of his ballot. The inspector shall separate the slip containing the number of the ballot from the ballot, and shall deposit the ballot in the ballot box. The numbers removed from ballots shall be immediately destroyed. (Code Sec. 385, as amended by Laws of 1895.)

Not more than one person shall be permitted to occupy any one booth at one time, and no person shall remain in or occupy a booth or compartment longer than may be necessary to prepare his ballot, and in no event longer than five minutes; provided, that the other booths or compartments are occupied. (Sec. 386, Code).

Any voter who shall by accident or mistake spoil his ballot, may, on returning said spoiled ballot, receive another in place thereof. (Sec. 387, Code).

Any voter who declares to the judges of election, or when it shall appear to the judges of election, that he cannot read, or that by blindness or other physical disability he is unable to mark his ballot, shall, upon request, receive

One person
to occupy
booth.

In case of
spoiled ballot,
voter to re-
ceive another.

Assistance to
illiterate or
disabled voter.

the assistance of one or two of the election officers in the marking thereof, and such officer or officers shall certify on the outside thereof that it has been so marked with his or their assistance, and shall thereafter give no information regarding the same. The judges may, in their discretion, require such declaration of disability to be made by the voter, under oath before them, and they are hereby qualified to administer the same. No elector other than one who may, because of his inability to read or physical disability be unable to mark his ballot, shall divulge to any one within the polling place the name of any candidate for whom he intends to vote, or to ask or receive the assistance of any person within the polling place in the preparation of his ballot. (Sec. 388, Code).

Ballots not to
be deposited
by election
officers unless
stamped.

No inspector or judge of election shall deposit in any ballot box any ballot upon which the official stamp as herebefore provided, does not appear. Every person violating the provisions of this section shall be deemed guilty of a misdemeanor. (Sec. 389, Code).

The clerk of the board of County Commissioners in each County shall cause to be printed in large type on cards in English, instructions for the guidance of electors in preparing their ballots. He shall furnish ten such cards to the judges of election of each election precinct, and one additional card for each fifty electors or fractional part thereof in the precinct, at the same time and in the same manner as the printed ballots. The judges of election shall post not less than one of such cards on each place or compartment provided for the preparation of ballots, and not less than three of such cards elsewhere in and about the polling places upon the day of election. Such cards shall be printed in large, clear type, and shall contain full instructions to the voters as to what should be done, viz:

- 1.—To obtain ballots for voting.
- 2.—To prepare the ballots for deposit in the ballot boxes.
- 3.—To obtain a new ballot in the place of one spoiled by accident or mistake.

(Code, Sec. 390, as amended by laws of 1895, p. 392).

Uncertain
ballots, how
disposed of.

In the canvass of the votes, any ballot, or parts of a ballot, from which it is impossible to determine the elector's choice, shall be void, and shall not be counted; provided, that when a ballot is sufficiently plain to gather therefrom a

part of the voter's intention, it shall be the duty of the judges of election to count such part. (Sec. 391, Code, as amended by Laws of 1895, p. 393.)

Any person who shall falsely make, or make oath to, or fraudulently deface or fraudulently destroy any certificate of nomination, or any part thereof, or file or receive for filing any certificate of nomination, knowing the same, or any part thereof, to be falsely made, or suppress any certificate of nomination which has been duly filed, or any part thereof, or forge or falsely make the official indorsement on any ballot, shall be deemed guilty of a felony, and upon conviction thereof, in any court of competent jurisdiction, shall be punished by imprisonment in the penitentiary for a period of not less than one year nor more than five years. (Sec. 392, Code).

Fraud as to
certificates of
nomination
or ballots is
felony.

Any person who shall during the election, willfully remove or destroy any of the supplies or other conveniences placed in the booths or compartments for the purpose of enabling the voter to prepare his ballot, or prior to or on the day of election, willfully deface or destroy any list of candidates posted in accordance with the provisions of this chapter, or who shall during an election tear down or deface the cards printed for the instruction of voters, shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars. (Sec. 393, Code).

Defacing or
destroying
supplies, etc.,
how punish-
ed.

Any public officer, upon whom any duty is imposed by this chapter, who shall willfully do or perform any act or thing herein prohibited, or willfully neglect or omit to perform any duty as imposed upon him by the provisions of this chapter, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit his office, and shall be punished by imprisonment in the county jail for a term of not less than one month nor more than six months, or by a fine of not less than fifty dollars and not more than five hundred dollars, or by both such fine and imprisonment. (Sec. 394, Code).

Duty of pub-
lic officers at
elections—
Punishment
for violation
of.

No officer of election shall do any electioneering on election day. No person shall do any electioneering on election day within any polling place or any building in which an election is being held, or within fifty feet thereof,

Electioneer-
ing prohib-
ed within
polling place.

nor obstruct the doors or entries thereto, or prevent free ingress to and egress from said building. Any election officer, sheriff, constable, or other peace officer, is hereby authorized and empowered, and it is hereby made his duty, to clear the passageway and prevent such obstruction, and to arrest any person creating such obstruction. No person shall remove any ballot from the polling place before the closing of the polls. No person shall show his ballot after it is marked to any person in such a way as to reveal the contents thereof, or the name of any candidate or candidates for whom he has marked his vote, nor shall any person solicit the elector to show the same; nor shall any person, except a judge of election, receive from any elector a ballot prepared for voting. No elector shall receive a ballot from any other person than one of the judges of election having charge of the ballots, nor shall any person other than such inspector or judges of election deliver a ballot to such elector. No elector shall vote or offer to vote any ballot except such as he has received from the judges of election having charge of the ballots. No elector shall place any mark upon his ballot by which it may afterwards be identified as the one voted by him. Any elector who does not vote a ballot delivered to him by the judges of election having charge of the ballots shall, before leaving the polling place, return such ballot to such judges. Whoever shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof, in any court of competent jurisdiction, shall be fined in any sum not exceeding one hundred dollars and adjudged to pay the costs of prosecution. (Sec. 395, Code).

Distribution
of election
laws by Sec-
retary of State.

It shall be the duty of the Secretary of State to cause to be published in pamphlet form, and distributed through the clerks of the boards of County Commissioners of the respective Counties, a sufficient number of copies of this law, together with the registration law of the State, and such other laws as bear upon the subject of election as will place a copy thereof in the hands of all officers of election. (Sec. 396, Code).

Time of open-
ing and clos-
ing polls.

At all elections held under the provisions of this act, the polls shall be opened at nine o'clock A. M., and closed at seven o'clock P. M. (Sec. 397, Code).

At all elections the polls shall be opened at nine o'clock in the morning, and shall continue open without recess until seven o'clock in the evening, at which time the judges shall close the polls; provided, that in sparsely settled precincts, whenever a sufficient number of qualified electors to constitute a board of election are not present at nine o'clock on the morning of the day of the election, it shall be lawful to open the polls as soon thereafter as a sufficient number are present. (Sec. 398, Code).

If electors are not present, polls may be opened when they do appear.

The board of judges, before they commence receiving ballots, shall cause it to be proclaimed aloud at the place of voting, that the polls are now open. (Sec. 399, Code).

Proclaiming polls to be open.

It shall be the duty of the Auditors of the several Counties to furnish the inspectors of each election precinct with two poll books at least five days before the time of holding the election. (Sec. 400, Code).

Poll books to be furnished.

The voting shall be by ballot. No ballot shall bear any impression, devise, color or thing designated to distinguish such ballot from other legal ballots, or whereby the same may be known or designated. The ballot shall be eight inches in width, and of such length as shall be necessary to print the names of all the candidates who shall be duly nominated according to law, and whose nomination shall be duly certified to the clerk of the board of County Commissioners, such length to be determined by the said clerk of said board of County Commissioners. All of the official ballots, after the same shall be so prepared by the said clerk, shall be of the same size for each and every precinct, and shall not vary one-eighth of an inch in breadth from the above specification. (Sec. 401, Code, as amended by Laws of 1895, p. 394.)

Distinguishing marks prohibited.

The name of each elector whose ballot has been thus received shall be immediately entered by each Clerk in the column of his poll list headed "Names of Voters," numbering each name in the additional column as it is taken down, so that it may be seen at any time whether the two lists agree. Whenever the board of election rejects a ballot it must at the time of such rejection cause to be made thereon and signed by a majority of the board an indorsement of such rejection, and of the cause thereof. All rejected ballots must be preserved and returned in the same manner as other ballots. Whenever a question arises in the board as to the legality of a ballot or any part thereof and the board

Poll list, how to be kept; preservation of rejected ballots.

decide in favor of the legality, such action, together with a concise statement of the facts that gave rise to the objection, must be indorsed on the ballot, and signed by a majority of the board. (Sec. 402, Code.)

Challenging
votes.

Any person offering to vote may be challenged as unqualified by the inspector or either of the Judges or by any legal voter, and it shall in all cases be the duty of the inspector and each of the judges to challenge any person offering to vote whom they shall know or suspect not to be duly qualified as an elector. (Sec. 403, Code.)

Duty of elec-
tion officers
in case of
challenge.

When any person offering to vote is challenged, it shall be the duty of the Judges to declare to him the qualifications of an elector, and the inspector or one of the Judges shall tender him the following oath: "You do swear (or affirm) that you will truly and fully answer all questions as shall be put to you touching your place of residence and qualifications as an elector." The inspector or one of the Judges shall then proceed to question the person challenged in relation to his name, his then place of residence, how long he has resided in the precinct and County, where his last place of residence was, also as to his citizenship, and whether a native or naturalized citizen, and if the latter, when, where, in what County or before what officer he was naturalized, and all such other questions as shall tend to test his qualifications as to citizenship and the right to vote. (Sec. 404, Code.)

When vote is
to be rejected.

If any person shall refuse to take the aforesaid oath, when so tendered, or to answer any and all pertinent questions as to qualifications, his vote shall be rejected; and if the board of Judges are satisfied, from answers as aforesaid, that such person is not a legal voter, they shall reject his vote. (Sec. 405, Code.)

Challenged
persons to be
sworn.

If such person shall insist that he is entitled to vote, and the board of Judges find no cause to reject his vote, under the preliminary examination, and the challenge shall not be withdrawn, he shall not be entitled to vote unless he takes the following oath, to be administered by the inspector or one of the Judges, viz: "You do swear (or affirm, as the case may be), that you have resided in this State *one year* preceding this election, in this County *ninety* days, and in this precinct thirty days, and have not voted this day, and that you are otherwise qualified to vote at this election." And in case the person offering to vote produces a

certified transcript of the record of a court of competent jurisdiction, admitting him to citizenship, or certificate of declaration of citizenship, duly attested by the Clerk thereof, as evidence of his right to vote, and if the person so producing the same is unknown to the board of Judges, he shall make oath that he is the person therein named. (Sec. 406, Code.)

If any person shall take the oath as tendered to him by the inspector or Judges and no evidence is offered to traverse the same by the officer or party challenging, and shall otherwise comply with the requirements of law regulating the balloting, he shall be admitted to vote, but if he refuse to take the oath or affirmation so tendered him his vote shall be rejected; but before the ballot of the voter shall be deposited he shall be required to sign the registration book in the column headed "Remarks," and in case such voter is incapable of writing his name, he shall, at the left hand side of the column make a cross or other mark usually employed by such voter for indicating his signature, and some person who is personally known to the inspector and who personally knows the voter shall sign the registration book in his behalf as identifying witness. (Sec. 407, Code, as amended by act of March 10, 1893, page 273, Session Laws 1893.)

When person challenged may vote.

If the vote of any person be challenged on the ground that he has been convicted of an infamous crime, and shall remain unpardoned or disfranchised by any court of a competent jurisdiction, he shall not be required to answer any questions respecting such alleged conviction, and in the absence of any authenticated record of such fact, it may be competent for two disinterested witnesses, upon oath, to prove the same. (Sec. 408, Code.)

Challenge on ground of conviction of infamous crime.

When the polls are closed, proclamation thereof shall be made at the place of voting, and no votes shall be afterwards received. (Sec. 409, Code.)

Closing of polls to be proclaimed.

As soon as the polls are closed on the afternoon of the day of election, the Judges shall open the ballot box and commence counting the votes, and in no case shall the box be removed from the room in which any election may be held until all the ballots are counted. (Sec. 410, Code.)

Counting votes.

[The oath above given is made to correspond to the provisions of the constitution, the changes being in italic.]

- Details as to counting of ballots. The counting of ballots shall in all cases be public. The ballots shall be taken out carefully, one by one, by the inspector or one of the Judges, who shall open them and read aloud the name of each person contained therein, and the office for which every such person is voted for. (Sec. 411, Code.)
- Clerks shall keep tally, etc. Each Clerk shall write down each office to be filled, and the name of each person voted for for such office, and shall keep the number of votes by tallies as they are read aloud by the inspector or judge. The counting of the votes shall be continued without adjournment until all are counted. (Sec. 412, Code.)
- When ticket shall be rejected. If two tickets are found folded together they shall both be rejected, and if more persons are designated on any ticket for any office than are to be elected to such office, such part of the ticket shall not be counted for any of them; but no ticket shall be lost for want of form, or mistake in initials of names, if the board of Judges can determine to their satisfaction the person voted for and the office intended. (Sec. 413, Code.)
- Disposition of ballots. It shall be the duty of the inspector, or one of the Judges, to string the ballots at the time of counting, and after all the ballots have been counted and strung it shall be the duty of the inspector to place them in a sealed envelope and write thereon "Ballots of — precinct, — County, State of Washington, of election held this — day of —, 18—," and send said sealed envelope to the Auditor of the County where said election is held, who shall keep said sealed envelope containing said ballots unopened for the period of six months, to be used only as evidence in case or cases of contest when called for, at the end of which time it shall be the duty of said County Auditor to burn said ballots in presence of two other County officers. (Sec. 414, Code.)
- How to make out election returns. As soon as all the votes are read off and counted a certificate shall be drawn up on each of the papers containing the poll list and tallies, or attached thereto, stating the number of votes each person voted for has received and designating the office to fill which he was voted for, which number shall be written in words at full length. Each certificate shall be signed by the Clerks, the Judges and inspector; one of said certificates with ballots, poll lists and tally paper, oath of inspector, Judges and Clerks shall be

sealed up by the inspector and indorsed "Election returns," and be directed or sent by the inspector to the County Auditor of the County in which the election is to be held (Sec. 415, Code.)

The said package shall be delivered to the County Auditor by one of the Judges or Clerks of the election, in person, or may be sent by registered mail. If sent by mail it shall be mailed by one of the Judges. The other of said certificates, with poll list and tally papers, oaths of Judges, inspector and Clerks, shall be retained by the inspector and preserved by him at least six months. Tally papers, poll list or certificate returned from any election shall not be set aside nor rejected for want of form, nor on account of not being strictly in accordance with the directions of this chapter, if the same be satisfactorily understood. (Sec. 416, Code.)

Delivery of
returns to
County Audi-
tor, etc.

On the tenth day after the day of each election, or as soon as he shall have received the returns from each precinct of the County, if he receive them within that time, it shall be the duty of the County Auditor to notify two County officers,¹ one of whom shall be a Judge of probate, to be present at the office of said County Auditor, on a day named by said County Auditor, for the purpose of canvassing the votes cast at election in the different precincts of the County, and it shall be the duty of the Judge of probate present, as one of the canvassers of said votes, to administer the following oath or affirmation to the County Auditor, having in his possession the election returns of said County: "I do solemnly swear (or affirm) that the returns purporting to be the election returns of the several precincts in this County have been in no wise altered by additions or erasures, and that they are the same as when I received them; so help me God;" the said oath or affirmation to be in writing and signed by the County Auditor and certified to by the aforesaid Judge of probate and placed on file in said Auditor's office, among the papers appertaining to said election. And then the said Auditor, with the assistance of two County officers aforesaid, shall proceed to count the votes of said County or precincts, a statement of which shall be drawn up and signed by them. And it shall be deemed a misdemeanor in the County Auditor, if he shall neglect or re-

Canvass of
votes.

¹ This section is amended by the one immediately following so far as the canvassing board is concerned.

fuse to return the total number of votes as counted, if such votes can be with reasonable certainty ascertained. (Sec. 417, Code.)

Board of canvass election returns.

The County Auditor, Chairman of the Board of County Commissioners and Prosecuting Attorney shall be the County canvassing board of election returns for all special and general County and State elections in each County. (Sec. 1, page 271, Laws 1893.)

Vacancy in board of canvassers.

If for any reason there is a vacancy or vacancies in the canvassing board provided for in the [this] act, the remaining member or members of the board shall have the power and it is hereby made his or their duty to choose the County officer or officers to fill such vacancy or vacancies. (Sec. 2, page 271, Laws 1893.)

Auditor to issue certificate of election.

The person having the highest number of votes given for each office to be filled by the voters of a single County, or of a precinct, shall be declared duly elected, and the County Auditor shall immediately notify him of his election, and it shall be the duty of said Auditor to make out and deliver to any person so notified a certificate of election, upon his making application to the Auditor. (Sec. 418, Code.)

Tie vote, how decided.

If the requisite number of County or Precinct officers shall not be elected by reason of two or more persons having an equal and highest number of votes for one and the same office, the County Auditor shall give notice to the several persons so having the highest and an equal number of votes to attend at the office of the Auditor at the time to be appointed by said Auditor, who shall then and there proceed publicly to decide by lot which of the persons so having an equal number of votes shall be declared duly elected, and the said Auditor shall make out and deliver to the person thus declared duly elected a certificate of his election, as hereinbefore provided. (Sec. 419, Code.)

Proceedings when canvassing officer is candidate.

When a County Auditor is to be elected, the Probate Judge shall examine the returns as soon as they are filed, and issue to the person chosen a certificate of election in the form prescribed in the preceding section. (Sec. 420, Code.)

Returns affecting district officer.

When there are officers voted for who are to be chosen by the electors of a district composed of two or more Counties it shall be the duty of each of the County Auditors of

the Counties composing such district, immediately after making out the statement specified in section four hundred and seventeen, to extract therefrom so much as relates to the election of such officers, and to certify under his hand and the seal of the County that such extract contains a full statement of all the votes given for district officer as returned to him, and without delay transmit the same to the Auditor of the senior of the Counties composing such district. The said County Auditor shall compare the returns, make up a statement of the vote of the district for such officers, and file the same, together with the returns from the other Counties, in like manner as is prescribed in section four hundred and seventeen of this volume of General Statutes. He shall also make out and transmit to the Secretary of State such statement of the votes of the district, signed by him officially and authenticated with the seal of the County, and shall furnish the person elected a certificate of election. (Sec. 421, Code.)

When there are others officers voted for who are chosen by the qualified voters of this State, it shall be the duty of each County Auditor so soon as the statement of the vote of his County is made out as required in section four hundred and seventeen of this volume of General Statutes, to copy therefrom so much as relates to the vote given for such officer, certify to the correctness thereof under his hand and the seal of the County, and transmit the same to the Secretary of State, indorsing on the package the words "Election returns." On the thirtieth day after the day of election, or as soon as the returns shall have been received from all the Counties of the State, if received within that time, the Secretary of State shall compare and estimate the vote and make out and file in his office a statement thereof, a copy of which shall be transmitted to the governor. Upon this statement the commission or certificate shall issue. (Sec. 422, Code.)

Duties of
County Audi-
tors and
Secretary of
State as to
election re-
turns.

It shall be and is hereby made the duty of the County Auditor in each County of this State, immediately after making abstracts of the vote given in the County at the general or special election for members of the Legislature, County, State or District officers or members of Congress to transmit by mail a certified copy of said abstract to the Secretary of State at the seat of government. It shall be the duty of the Secretary of State to furnish uniform and

Duty of Audi-
tor.

proper blanks to each and every County Auditor in the State, on which said County Auditor shall make returns to the Secretary's office. The County Auditor shall make returns of all persons voted for State, County and District officers (Code Sec. 423, as amended by Laws of 1895, p. 394.)

Informality shall not deter issuance of certificate.

No certificate shall be withheld on account of any defect or informality in the returns of any election if it can with reasonable certainty be ascertained from such return what office is intended and who is entitled to such certificate, nor shall any commission be withheld by the governor on account of any defect or informality of any return made to the office of the Secretary of State (Sec. 424, Code.)

Returns to be transmitted by registered mail.

Whenever returns are required to be transmitted by the County Auditor to the Secretary of State it shall be the duty of the County Auditor to deliver the same to some postmaster of the County at the postoffice, to be transmitted by registered mail (Sec. 425, Code.)

When special election is necessary to decide tie vote.

If, at any election to fill any district or legislative office, two or more persons receive the highest and equal number of votes, it shall be declared that there is no choice, and a special election to fill such office shall be ordered by the proper officer. (Sec. 426, Code.)

Causes for contesting elections.

Any elector of the proper County may contest the right of any person declared duly elected to an office to be exercised in and for such County; and also any elector of a precinct may contest the right of any person declared duly elected to any office in and for such precinct, for any of the following causes:

1. For malconduct on the part of the Board of Judges or any member thereof.
2. When the person whose right to office is contested was not, at the time of election, eligible to such office.
3. When the person whose right is contested shall have been, previous to such election, convicted of an infamous crime by any court of competent jurisdiction, such conviction not having been reversed nor such person relieved from the legal infamy of such conviction.
4. When the person whose right is contested has given to any elector or inspector, judge or clerk of election, any bribe or reward, or shall have offered any such bribe or reward for the purpose of procuring his election.
5. On account of illegal votes. (Sec. 427, Code.)

No irregularity or improper conduct in the proceedings of the Board of Judges, or any one of them, shall be construed to amount to such malconduct as to annul or set aside any election, unless the irregularity or improper conduct shall have been such as to procure the person whose right to the office may be contested to be declared duly elected when he had not received the highest number of legal votes. (Sec. 428, Code.)

Malconduct of judges, when sufficient to annul election.

When any election held for an office exercised in and for a county is contested on account of any malconduct on the part of the Board of Judges of any precinct election, or any member thereof, the election shall not be annulled and set aside upon any proof thereof, unless the rejection of the vote of such Precinct or Precincts shall change the result as to such office in the remaining vote of the County. (Sec. 429, Code.)

County election to be annulled only upon one condition.

Nothing in the fifth ground of contest, specified in section four hundred and twenty-seven of this volume of General Statutes, shall be so construed as to authorize an election to be set aside on account of illegal votes, unless it shall appear that an amount of illegal votes has been given to the person whose right to the office is contested, which, if taken from him, would reduce the number of his legal votes below the number of votes given to some other person for the same office after deducting therefrom the illegal votes which may be shown to have been given to such other person. (Sec. 430, Code.)

Election may be set aside on account of illegal votes.

No person shall be competent to contest an election unless he is a qualified elector of the District, County or Precinct, as the case may be, in which the office is to be exercised. (Sec. 431, Code.)

Person cannot contest election unless he is a qualified elector

When any such elector shall choose to contest the right of any person declared duly elected to such office, he shall, within ten days after such person shall have been declared elected to such office, file with the Clerk of the Superior Court of the County a written statement setting forth specifically—

Statement of contestants.

1. The name of the party contesting such election, and that he is a qualified elector of the District, County or Precinct, as the case may be, in which such election was held.

2. The name of the person whose right to the office is contested.

3. The office.

4. The particular cause or causes of such contest, which statement shall be verified by the affidavit of the contesting party that the matters and things therein contained are true, as he verily believes. (Sec. 432, Code.)

Sufficiency of testimony.

When the reception of illegal votes is alleged as a cause of contest, it shall be sufficient to state generally that illegal votes were cast, which, if given to the person whose election is contested in the specified Precinct or Precincts, will, if taken from him, reduce the number of his legal vote below the number of legal votes given to some other person for the same office; but no testimony shall be received of any illegal votes unless the party contesting such election shall deliver to the opposite party, at least three days before such trial, a written list of the number of illegal votes and by whom given, which he intends to prove on such trial, and no testimony shall be received of any illegal votes except such as are specified in such list. (Sec. 433, Code.)

Statement of cause of contest not to be rejected for want of form.

No statement of the cause of contest shall be rejected, nor the proceedings thereon dismissed by any Court before which such contest may be brought for trial, for want of form, if the particular cause or causes of contest shall be alleged with such certainty as will sufficiently advise the defendant of the particular proceedings or cause for which such election is contested. (Sec. 434, Code.)

Trial contest.

Upon such statement being filed, it shall be the duty of the Clerk to inform the Judge of the Superior Court, who may give notice, and order a session of said Court to be held at the usual place of holding said Court, on some day to be named by him, not less than ten nor more than twenty days from the date of such notice, to hear and determine such contested election; provided, if no session be called for the purpose, such contest shall be determined at the first regular session of said Court after such statement is filed. (Sec. 435, Code.)

Citation and service upon party whose right to office is contested.

The Clerk of said court shall also at the time issue a citation for the person whose right to the office is contested, to appear at the time and place specified in said notice, which citation shall be delivered to the Sheriff or Constable, and be served upon the party in person; or if he can-

not be found, by leaving a copy thereof at the house where he last resided. (Sec. 436, Code.)

The said Clerk shall issue subpoenas for witnesses in such contested election at the request of either party, which shall be served by the Sheriff or Constable as other subpoenas, and the Superior Court shall have full power to issue attachment to compel the attendance of witnesses who shall have been duly subpoenaed to attend if they fail to do so. (Sec. 437, Code.)

Witnesses may be summoned and compelled to attend.

Said court shall meet at the time and place designated to determine such contested election by the rules of law and evidence governing the determination of questions of law and fact, so far as the same may be applicable, and may dismiss the proceedings if the statement of the cause or causes of contest is insufficient, or for want of prosecution. After hearing the proofs and allegations of the parties, the court shall pronounce judgment in the premises, either confirming or annulling and setting aside such election, according to the law and right of the case. (Sec. 438, Code.)

Hearing of election contest.

If in any such case it shall appear that another person than the one returned has the highest number of legal votes, said court shall declare such person duly elected. (Sec. 439, Code.)

Other person than one returned may be declared elected.

If the proceedings are dismissed for insufficiency, want of prosecution, or the election is by the court confirmed, judgment shall be rendered against the party contesting such election for costs, in favor of the party whose election was contested. (Sec. 440, Code.)

Costs, how to be awarded where election is confirmed.

If such election is annulled and set aside, judgment for costs shall be rendered against the party whose election was contested, in favor of the party contesting the same. (Sec. 441, Code.)

Costs, how to be awarded where election is annulled.

Either party feeling himself aggrieved by the judgment of said court may appeal therefrom to the Supreme Court as in other cases of appeal thereto. (Sec. 442, Code.)

Appeal may be taken to Supreme Court.

Whenever an election shall be annulled and set aside by the judgment of the Superior Court, when no appeal has been taken therefrom within ten days, such certificate of commission, if any have been issued, shall be thereby rendered void. (Sec. 443, Code.)

Certificate of election becomes void, when,

Punishment
for bribing of
voter.

If any candidate for office in any election as herein-after mentioned, under the laws of this State, or any other person, shall directly or indirectly, offer, promise, procure, confer, or give any money, property, thing in action, victuals, drink, preferment, or other consideration or valuable thing, by way of fee, reward, gift, or gratuity, for giving or refusing to give any vote in any election of any public officer, State, County or municipal, whatever, or any person who shall carry voters to any polling place, by wagon, steamboat, or otherwise, for the purpose of influencing their votes, such person shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof be punished by fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment to exceed six months; and further, such person shall, on such conviction, and as part of the judgment of the court, be deprived of the right of suffrage, and such candidate for office be disqualified to hold any office to which he was elected at such election; and further, if any person shall directly or indirectly ask for, accept, receive, or take any such bribe, or the promise thereof, by giving or refusing to give his vote in any such election, he shall be deemed guilty of a misdemeanor, and punished with the like penalties as hereinbefore prescribed. (Sec. 444, Code).

Violations to
be submitted
to jury.

It shall be the duty of the Prosecuting Attorney of each County to present all violations of the election laws which may come to his knowledge to the special consideration of the proper jury. (Sec. 445, Code).

Fees of elec-
tion officers.

The fees of officers of election shall be as follows: To the inspectors, judges and clerks of an election, four dollars per day; the person carrying the returns to the County Auditor shall be entitled to such mileage as the sheriffs are allowed. All expenses of registering packages shall be paid by the County. (Sec. 446, Code).

Registration
of voters.

In all Cities and Towns, and all voting precincts having a voting population of two hundred and fifty or more who are entitled to the right of suffrage, as shown by the number of votes cast at the preceding general election, there shall be registration of voters, prior to all general or municipal elections, as herein provided. (Sec. 447, Code).

In precincts where an incorporated City or Town forms a part of a voting precinct, and where any portion of a City or Town forms a part of a precinct extending beyond the corporate limits, there shall be a registration of voters; provided, the Board of County Commissioners may appoint the Clerk of a City or Town in such a precinct the officer of registration for that portion of such a precinct without the City or Town, but the voters within the City or Town, and those without, shall be registered in separate poll books of registration. (Sec. 448, Code).

Registration of voters in precincts overlapping corporate boundary lines.

The voters of any such precinct resident within the corporate limits of an incorporated City or Town, shall be registered by the Clerk of said City or Town, and those voters resident within the precinct, but without the corporate limits of a City or Town, shall be registered by an officer of registration to be appointed by the Board of County Commissioners. (Sec. 449, Code).

Voters of such precincts, by whom to be registered.

The time and manner of registration under this act shall be the same as that prescribed by law. (Sec. 450, Code.)

Time and manner of registration.

The expense of registration in all Cities and Towns shall be paid by such Cities or Towns, and the expense of registration in precincts outside of Cities and Towns shall be paid by the County in which such precincts are situated. (Sec. 451, Code).

Expense of registration, how to be paid.

It shall be the duty of the Mayor or chief executive officer of each City or Town, immediately upon the taking effect of this act, to procure and open for the registration of voters a poll book for each ward or voting precinct of such City or Town, and on the first Monday of January of each year to procure and open a like book of registration for each of said wards and voting precincts; and for all precincts having a voting population of two hundred and fifty or more, outside of any City or Town the Board of County Commissioners for the County in which any such precinct exists shall, in like manner, procure and open a poll book for the registration of voters in such precinct or precincts, and shall designate a legal voter in each of such precincts, who shall be the officer of registration in such precinct, whose duties shall be the same as those devolving upon the City or Town Clerk under the provisions of this act;

Mayor to open books of registration.

and the Board of County Commissioners shall fix the compensation of such officer of registration, which shall be paid the same as other election expenses. (Sec. 452, Code).

Poll books
must be kept
at registra-
tion office.

Such poll books shall at all times be kept at the office of such City or Town Clerk or officer of registration of such City, Town or Precinct; and the City or Town Clerk and the person designated by the Board of County Commissioners as herein provided shall be the officer of registration of such City, Town or Precinct, and it shall be his duty to register all citizens of said City, Town or voting precinct on such poll books as hereinafter provided. (Sec. 453, Code).

Effect of re-
gistration as
evidence of
right to vote.

It shall be the duty of all citizens of such City, Town or voting precinct after the opening of the books as herein provided, to apply to the City or Town Clerk, or officer of registration, and be registered therein, at such time or times as said books shall be open for that purpose, as provided in this act; and such registration, when made as in this chapter provided, shall entitle such citizens to vote in their respective wards and precincts. If such citizens are otherwise legally qualified voters at such election, and have so caused themselves to be registered, such registration shall be prima facie evidence of the right of such citizens to vote at any election held in such City, Town or Precinct subsequent to such registration, and preceding the first Monday of January next thereafter. (Sec. 454, Code).

Officer of
registration
must publish
notice

It shall be the duty of the City or Town Clerk, or officer of registration, upon the receipt of the poll books in this chapter provided for, to cause to be published a notice in a newspaper of general circulation in such City, Town or Precinct, for ten days, notifying the citizens of said City, Town or Precinct that they can register at his office, according to the provisions of this act; and a like notice shall be published each year within twenty days after the first Monday in January of each year. (Sec. 455, Code).

Poll books,
when closed.

The poll books in this act provided for shall be open at all times during the year for the registration of voters, except that they shall be closed in all general and County elections for the purpose of organization (20) twenty days preceding any election to be held in such City, Town or precinct. The City or Town Clerk or officers of registration shall give notice of the closing of such books, by a notice published at least ten days in a newspaper of general circu-

lation in such City, Town or precinct, and by posting either written or printed notices in three of the most public places in any such City, Town or precinct at least ten days preceding the day of such closing, and such notice by publication shall have at least two insertions in such newspaper; in all special City, Town or precinct elections such notices shall be given by the posting aforesaid only, at least five days before such closing, and the poll books shall be closed ten days preceding all such special or local elections. (Sec. 456, as amended by act of 1893, p. 72, Session Laws).

The poll books aforesaid shall be so arranged as to admit the alphabetical classification of the names of the voters, and ruled in parallel columns, with appropriate heads, as follows: Date of registration; name; age; occupation; place of residence; place of birth; time of residence in the State, County, ward and precinct, and if of foreign birth, name and place of court and date of declaration of intention to become a citizen of the United States, or date of naturalization, and with column for signature, and one for remarks, and one column for checking the name of voter at the time of voting. If the voter registering is of foreign birth he shall at the time of registering exhibit to the registration officer a certificate of his declaration of intention, or naturalization, or if such certificate be lost, then a certified copy of the same. Under head of place of residence shall be noted the number of lot and block or number and street where the applicant resides, or some other definite description sufficient to locate the residence, and the voter so registering as provided in this section shall sign his name on the registry opposite the entries above required in the column headed "signature," and in case any voter shall not be capable of writing his name, he shall, on the left hand margin of said column, make his mark by cross, or such other mark as is usual in indicating his signature, and some person who personally knows said voter, and is personally known to the registering officer, and who is capable of writing his name, shall sign in said column immediately opposite said mark, as an identifying witness thereto. (Sec. 457, Code, as amended by act of 1893, p. 73, Session Laws).

Form of registration.

No person shall be registered unless he appears in person before the City or Town Clerk, or officer of registration, at his office during usual office hours, and apply to be registered. Voters must register in person.

registered and give his name, age, occupation, particular place of residence, place of birth, time of residence in the State, County, ward or precinct, and if naturalized, name of court, place where held and date of naturalization papers, and make and subscribe to the following oath or affirmation :

STATE OF WASHINGTON, }
COUNTY OF _____ } ss

I, _____, do solemnly swear (or affirm) that I am a male person over twenty years, eleven months and ten days of age; that I am a native born or naturalized citizen of the United States, or was a legal elector of the Territory of Washington at the time of the adoption of the Constitution of the State of Washington; that I have been an actual, permanent resident of the State of Washington for eleven months and ten days last past, of the County of _____ for seventy days last past, and of the _____ precinct ten days last past, and that I have not lost my civil rights by reason of being convicted of an infamous crime.

Subscribed and sworn to before me this _____ day of _____

Said affidavit shall be bound in book form and preserved with the other records of the City, Town or precinct. (Sec. 458, Code, as amended by act of 1893, p. 73, Session Laws).

No one can
vote unless
registered.

No person shall be entitled to vote at any election in any such City, Town or precinct who is not registered according to the provisions of this act. The registration shall not be conclusive evidence of the right of any registered person to vote, but said person may be challenged and required to establish his right at the polls in the manner as may be required by law. And every person when offering his vote shall, if challenged, hand his registration certificate to one of the judges of election, who shall receive and file the same, and at the close of said election deliver said certificates as a part of the election returns to such City, Town, County or State officer as by law provided. (Sec. 459, Code).

Sec. 460, Code. Repealed. (See p. 75, Session Laws, 1893).

The City or Town Clerk, or officer of registration, is hereby empowered to administer all necessary oaths in examining an applicant for registration, or any witness he may offer in his behalf, in order to ascertain his right to be registered under the provisions of this act; and the said Clerk or registration officer shall closely examine any applicant for registration, whose right to registration he may doubt, or who may be challenged, and shall explain to him the necessary qualifications of a voter, and if the applicant for registration be entitled to vote at the next election he shall be registered, otherwise he shall not. (Sec. 461, as amended by act of 1893, p. 74, Session Laws).

Registration officer shall administer necessary oaths.

If a citizen of any City, Town or voting precinct, shall, during the year for which he has been registered, change his residence from one ward or voting precinct in said City or Town to another ward or voting precinct in said City or Town, or from any precinct outside a City or Town in which registration is required to another voting precinct, in the same County, in which such registration is required under the provisions of this act, he shall apply to the City or Town Clerk, or officer of registration, to have said removal noted on said poll books when the same are open. The Clerk, or officer of registration, shall register said person in the ward or voting precinct to which he has removed, and run a red ink line across his name in the ward or precinct book of his former residence, and likewise note the transfer in the column "remarks," in said poll book; and also indorse on the certificate of registration of said person the facts of said removal. (Sec. 462, Code).

Change of residence must be noted on poll books.

It shall be the duty of the Clerk, or officer of registration, immediately upon the close of the poll books preceding any election to be held in said City, Town or voting precinct, to prepare a true and correct copy of said poll books, certified to by him to be such copy, and in time for the opening of polls as provided by law, to have said copies at the voting precincts, and deliver the copy for such ward or precinct to one of the judges of said election, and take his receipt therefor. (Sec. 463, Code).

Registration officer must prepare certified copies of poll books for voting precincts.

At every election one of the judges of election shall, as each person registered votes, enter on the said certified copy, in the check line opposite the name of such person, the word "voted," said certified copy to be returned to the City or Town Clerk or officer of registration, after said election, and by him preserved. (Sec. 464, Code.)

Judge must mark names and return poll list after election.

Neglect or refusal of election officer to perform duty; penalty.

If any officer shall neglect or refuse to perform any duty required by this act, or in the manner required by this act, or shall neglect or refuse to enter upon the performance of any such duty, or shall enter, or cause or permit to be entered, on the registry books the name of any person in any other manner or at any other time than as prescribed by this act, or shall enter, or cause or permit to be entered, on such lists the name of any person not entitled to be registered thereon according to the provisions of this act, or shall destroy, secrete, mutilate, alter or change any such registry books, he shall, upon conviction, be punished by confinement and hard labor in the penitentiary not more than five nor less than one year, and shall forfeit any office he may then hold. (Sec. 465, Code.)

Punishment for false and fraudulent registration.

If any person shall falsely swear, or affirm, in taking the oath or making the affirmation prescribed in section 8, (Sec. 458, Code) hereof, or shall falsely personate another, and procure the person so personated to be registered, or if any person shall represent his name to the City or Town Clerk, or officer of registration, to be different from what it actually is, and cause such name to be registered, or if any person shall cause any name to be placed upon the registry list otherwise than in the manner provided in this act, he shall be deemed guilty of a felony, and upon conviction be punished by confinement and hard labor in the penitentiary not more than five years nor less than one year. (Sec. 466, Code, as amended by act of 1893, page 74, Session Laws.)

Application of registration law.

The provisions of this act shall apply to all elections for National, State, Congressional, District, County or Municipal officers and all general or special elections held within any such Cities, Towns or Precincts, except road elections and the wards or voting precincts established by the authorities of any County, City or Town, shall be the same for all County, District, State, Congressional, National or other elections (Code 467, as amended by laws of 1895, p. 340)

REVENUE LAWS APPLICABLE TO CITIES.¹

SECTION 1. That all real² and personal property now existing, or that shall be hereafter created or brought into this State, shall be subject to assessment and taxation for the support of the State government, and for County, school, municipal, or such other purposes as shall be designated by law, upon equalized valuations thereof, fixed with reference thereto on the first day of April at 12 o'clock, meridian, in each and every year in which the same shall be listed, except such property as shall be expressly exempted therefrom by the provisions of law. (March 15, 1893, Sec. 1. In effect immediately.)

All property subject to assessment and taxation unless expressly exempted.

SEC. 2. Real property for the purposes of taxation shall be construed to include the land itself, whether laid out in town lots or otherwise, and all buildings, structures and improvements, or other fixtures of whatsoever kind thereon, and all rights and privileges thereto belonging, or in any wise appertaining, and all quarries and fossils in and under the same, which the law defines, or the courts may interpret, declare and hold to be real property under the letter, spirit, intent and meaning of the law, for the purposes of taxation. (March 15, 1893, Sec. 2. In effect immediately.)

Real property defined.

SEC. 3. Personal property for the purposes of taxation shall be construed to embrace and include, without specially defining or enumerating it, all goods, chattels, moneys, stocks or estate; all improvements upon lands, the fee of which is still vested in the United States, or in the State of Washington, or in any railroad company or corporation, and all and singular of whatsoever kind, name, nature and

Personal property defined.

¹ See Chap. XI of Charter (ante p. 24).

² This embraces every species of title whether inchoate or complete. *Puget Sound A. Co. v. Pierce Co.*, 1 Wash. Ter. 159.

description, which the law may define or the courts interpret, declare and hold to be personal property, for the purpose of taxation, and as being subject to the laws, and under the jurisdiction of the courts of this State, whether the same be in any marine craft, as ships and vessels, or in other property holden under the laws and jurisdiction of the courts of this State, be the same at home or abroad; all credits, including accounts, notes, bonds, certificates of deposit, judgments, choses in action and all other debts of whatsoever kind or nature, due or to become due (whether secured or not by mortgage or otherwise); provided, however, that in making up the amount of money or credits other than bank stock, which any person is required to list or have listed or assessed, he will be entitled to deduct from the gross amount thereof all debts in good faith owing by him, but no acknowledgment not founded on actual consideration, and no such acknowledgment made for the purpose of being so deducted shall be considered a debt within the intent of this section, and so much only of any liability of such person as security for another shall be deducted, as the person making the list believes he is equitably or legally bound to pay, and so much only as he believes he will be compelled to pay on account of the inability of the principal debtor, and if there are other sureties able to contribute, then so much only as he in whose name the list is made will be found to contribute; but no person will be entitled to any deduction on account of any obligation of any kind given to any insurance company for the premiums of insurance, nor on account of any unpaid subscription to any institution, society, corporation or company; and no person shall be entitled to any deduction on account of any indebtedness contracted for the purchase of United States bonds or other non-taxable property; provided, that credits shall be assessed at their true and actual value; and provided further, that mortgages and all credits for the purchase of real estate shall not be considered as property for the purposes of this act. (March 23, 1895, Sec. 1. In effect immediately.)

Definition of
terms.

SEC. 4. The term "money" or "moneys," wherever used in this act, shall be held to mean gold and silver coin, gold and silver certificates, treasury notes, bank notes and every deposit which any person owning the same or holding in trust, and residing in this State, is entitled to withdraw in money on demand. The term "tract" or "lot,"

and "piece or parcel of real property," and "piece or parcel of lands," wherever used in this act, shall each be held to mean any contiguous quantity of land in the possession of, owned by, or recorded as, the property of the same claimant, person or company. Every word importing the singular number only may be extended to or embrace the plural number, and every word importing the plural number may be applied and limited to the singular number, and every word importing the masculine gender only may be extended and applied to females as well as males. Whenever the word "oath" is used in this act it may be held to mean affirmation, and the word "swear" in this act may be held to mean affirm. The term "person," whenever used in this act, shall be construed to include firm, company or corporation. The words "County Auditor," when used in this act, shall be construed to mean register or recorder, whenever it shall be necessary to use the same for the proper construction of this act. (March 15, 1893, Sec. 4. In effect immediately.)

SEC. 5. All property described in this section, to the extent herein limited, shall be exempt from taxation, that is to say—First: All public school houses, State colleges, State university and State normal schools, with the books and furniture therein, and the grounds attached to such buildings necessary for their proper occupancy. Second: All lands used exclusively for public burying grounds or cemeteries, all churches built and supported by donations, whose seats are free to all, and the grounds whereon such churches are built, not exceeding one hundred and twenty feet by two hundred feet in quantity; provided, that such grounds are used wholly for church purposes. Third: All property, whether real or personal, belonging exclusively to any County, municipal corporation, the State or to the United States. Fourth: All buildings belonging to Counties used for holding courts, for jails, for County offices or County hospitals, with the ground on which such buildings are erected. Fifth: All lands, houses or other buildings or property belonging to any County, township, City or Town, used exclusively for the accommodation or support of the poor. Sixth: All fire engines and other implements used for the extinguishment of fires, with the buildings used exclusively for the safe keeping thereof, and for the meeting of fire companies, whether belonging to any Town or any fire company organized therein. Seventh: All free

Special exemption from taxation.

public libraries, orphanages, orphan asylums, institutions for the reformation of fallen women, homes for the aged and infirm, and hospitals for the care of the sick, when such institutions above mentioned are supported in whole by public appropriations or by private charity, or are supported in part by charity, and all of the income and profits of such institutions are devoted to charitable purposes, after paying the expenses thereof; and the grounds wherever such libraries, orphanages, institutions, homes and hospitals are built, when used exclusively for the purposes in this subdivision enumerated. That in order to determine whether such libraries, orphanages, institutions, homes and hospitals are exempt from taxes within the true intent of this act, the State board of health, the County and City authorities of the County and City wherein such institutions are respectively situated may have access to the books of said institutions, and the institution claiming exemption shall provide by its articles of incorporation that the Mayor of the City and the chairman of the board of County Commissioners wherein such institution is located shall be ex officio trustees thereof. And the superintendent or manager of the library, orphanage, institution, home or hospital claiming exemption from taxation under this act shall make oath before the assessor that all of the income and receipts thereof, including donations to it, have been applied to the actual expenses of maintaining it and to charitable purposes. He shall also, under oath, make an annual report to the State board of health of its receipts and disbursements, specifying in detail the sources from which the receipts have been derived and the objects to which disbursements have been applied, and shall further furnish the said report full and complete vital statistics for the use and information of the State board of health, who may publish the same in its annual report. Eighth: The personal property of each householder and head of a family liable to assessment and taxation under the provisions of this act, of which such individual is the actual and bona fide owner, to an amount not exceeding three hundred dollars; provided, that each person shall list all of his personal property for taxation and the County Assessor shall deduct the amount of the exemption authorized by this section from the total amount of this assessment and assess the remainder. (March 23, 1895, Sec. 2. In effect immediately).

SEC. 6. All real property in this State subject to taxation shall be listed and assessed biennially on every odd numbered year with reference to its value on the first day of April preceding the assessment. All personal property in this State, subject to taxation, shall be listed and assessed every year, with reference to its value on the first day of April preceding the assessment; provided, that fruit trees, except nursery stock, shall not be assessed before four years after being transplanted from the nursery into orchard. No male animal kept solely for breeding purposes shall be assessed for more than three hundred dollars; provided further, that real estate becoming subject to taxation since the last assessment, and improvements upon real estate made since the last assessment, shall be assessed and included in the tax roll in every even numbered year; and provided further, that the destruction or removal of improvements since the last preceding assessment shall be duly noted by the County Assessor, and the assessment and tax rolls herein provided made to conform to such changes; provided further, that all real estate subject to taxation shall be listed by the Assessor each year in the assessment roll, and in each even numbered year the valuation of each tract for taxation shall be the same as the valuation thereof as equalized by the County board of equalization in the preceding year. (March 23, 1895, Sec. 3. In effect immediately).

All personal property listed annually; real property listed biennially.

SEC. 7. The owner of personal property removing from one County to another between the first day of April and the first day of July shall be assessed in either in which he is first called upon by the Assessor. The owner of personal property moving into this State from another State between the first day of April and the first day of July shall list the property owned by him on the first day of April of such year in the County in which he resides; provided, if such person has been assessed, and can make it appear to the Assessor that he is held for tax for the current year on the property in another State or County, he shall not be again assessed for such year. (March 15, 1893, Sec. 7. In effect immediately).

Change of residence; assessment, how and when made.

SEC. 8. Personal property shall be listed in the manner following: First: Every person of full age and sound mind, being a resident of this State, shall list all his moneys, notes, accounts and other credits, bonds or stock, shares of stock of joint stock or other companies (when the property

Manner of listing personal property and by whom listed.

of such company is not assessed in the State,) franchises, royalties and other personal property. Second: He shall also list separately, and in the name of his principal, all moneys deposited subject to his order. Third: The property of a minor child shall be listed by his guardian or by the person having such property in charge. Fourth: The property of an idiot or lunatic by the person having charge of such property. Fifth: The property of a person for whose benefit it is held in trust by the trustee of the estate of the deceased person, or by the executor or administrator. Sixth: The property of corporations whose assets are in the hands of receivers, by such receivers or their agents. Seventh: The property of a body politic or corporate, by the president or proper agent or officer thereof. Eighth: the property of a firm or company, by a partner or agent thereof. Ninth: Money and property in litigation, in possession of any County officer, must be assessed to the custodian thereof, and the taxes thereupon paid by the custodian thereof under the direction of the court. (March 15, 1893, Sec. 8. In effect immediately).

Place where
listed.

SEC. 9. Personal property, except such as is required in this act to be listed and assessed otherwise, shall be listed and assessed in the County where the owner or agent resides. If there be no principal office or place of business in this State, then at the place in this State where any such corporation or person transacts business. The personal property pertaining to the business of a merchant or of a manufacturer shall be listed in the Town or place where his business is carried on. (March 15, 1893, Sec. 9. In effect immediately).

Same; taxes
paid where
assessed.

SEC. 10. The personal property of express, transportation and stage companies shall be listed and assessed in the County where the same is usually kept. All vessels of every class which are by law required to be registered, licensed or enrolled, must be assessed and the taxes thereon paid only in the County where the owner or managing owner or agent thereof resides; provided, that such interest shall be taxed but once. Vessels registered, licensed or enrolled out of, and plying in whole or in part in the waters of this State, the owners, managing owners or agents of which reside in this State, must be assessed in this State, and in the County in which the owners, managing owners or agents reside, to the value of the respective share or shares owned by said person or persons. All boats and

small craft not required to be registered must be assessed in the County where the same are kept. (March 15, 1893, Sec. 10. In effect immediately.)

SEC. 11. The personal property of gas and water companies shall be listed and assessed in the Town or City where the same is located. Gas and water mains and pipes laid in roads, streets or alleys, shall be held to be personal property. (March 15, 1893, Sec. 11. In effect immediately.)

Same: gas and water mains defined.

SEC. 12. The personal property of street railroad, plank road, gravel road, turnpike or bridge companies, shall be listed and assessed in the County, Town or City where the same is located, and the track, road or bridge shall be held to be personal property. (March 15, 1893, Sec. 12. In effect immediately.)

Street railroad, etc. defined.

SEC. 13. When the owner of live stock or other personal property connected with a farm does not reside thereon, the property shall be listed and assessed in the County or place where the farm is situated. (March 15, 1893, Sec. 13. In effect immediately.)

Property of non-resident, where listed.

SEC. 14. In all questions that may arise under this act as to the proper place to list personal property, or where the same cannot be listed as stated in this act, if between several places in the same County, the place for listing and assessing shall be determined and fixed by the County board; and when between different Counties, or places in different Counties, by the Auditor of State; and when fixed in either case, shall be as binding as if fixed by this act. (March 15, 1893, Sec. 14. In effect immediately.)

Doubt as to listing, how settled.

SEC. 15. Every person required by this act to list property shall make out and deliver to the Assessor, when required, a statement, verified by his oath, of all the personal property in his possession or under his control and which by the provisions of this act he is required to list for taxation, either as owner or holder thereof, or as guardian, parent, husband, trustee, executor, administrator, receiver, accounting officer, partner, agent or factor; no person shall be required to list for taxation in his statement to the Assessor any share or portion of the capital stock, or of any of the property of any company or corporation, which such person may hold in whole or in part, where such company, being required so to do, has listed for assessment and taxation its capital stock and property with the

Owners or agents to verify statement of listed property.

Auditor of State, or as otherwise required under the laws of this State. (March 15, 1893, Sec. 15. In effect immediately.)

State Auditor to prepare forms, etc.

SEC. 16. The Auditor of State shall prepare and furnish County Auditors with suitable blank forms of detail lists or schedules, to be used by the Assessors for the listing of property, and upon which shall be entered by the Assessor, or by the owner or holder, the agent or attorney, the partner, trustee, assignee, receiver, guardian, executor or administrator, or by the president, secretary or principal accounting officer of any company or corporation, a full, true and accurate statement or listing of all property, real, and personal, as being owned, held or controlled as aforesaid, and as in such detail list directed, with any and all other property that may not be specified therein, if any such there be, that may be liable to assessment and taxation, and including all property that may or shall be deducted therefrom under exemptions. Such listing shall be verified under the oath of the owner or holder of any such listed property, or by the duly authorized agent making the same, and the true and fair value of such property having been determined and fixed by the Assessor, such valuation shall be entered opposite each and every item as therein listed and verified. Such detail list shall show the following schedule of property, made in accordance with the Auditor's form marked No. 1, which is made a part and parcel hereof, but to which, however, may and shall be added by the Auditor, Assessor or his deputy, any and all other taxable property that may at any time be hereafter created or discovered, not at present appearing therein, so that no property shall escape assessment and taxation. Said detail list shall be substantially in the following form :

DETAIL LIST OF PERSONAL PROPERTY.

Detail list to contain what.

A schedule of the numbers and amounts of all personal property in the possession or under control of ———, belonging to ———, on the first day of April, 189—, listed by ———, of the Town of ———, County of ———, and State of Washington, as required by the general revenue laws now in force in this State. Residence No. ——— street; school district No. ———; road district No. ———. (If residing in Town or City, give name and number of street.)

Items of property.		No.	ASSESSOR'S Tol.
1. Horses:	One year old.....		\$.....
	Two year old.....		.....
	Three years old and over.....		.....
	Work horses.....		.....
2. Cattle:	Stallions.....		.....
	One year old.....		.....
	Two years old.....		.....
	Cows.....		.....
	All other cattle two years old and over.....		.....
3.	Mules and asses of all ages.....		.....
4.	Sheep of all ages.....		.....
5.	Hogs of all ages.....		.....
6.	Wagons and carriages of whatever kind.....		.....
7.	Sewing and knitting machines.....		.....
8.	Watches and clocks.....		.....
9.	Melodeons and organs.....		.....
10.	Pianofortes.....		.....
11.	Household and office furniture, full value.....		.....
12.	Agricultural tools, implements, machinery.....		.....
13.	Gold and silver plate and plated ware.....		.....
14.	Diamonds and jewelry and fire arms.....		.....
15.	Royalties and patent rights.....		.....
16.	Steamboats, sailing vessels, wharf boats, barges, etc.....		.....
17.	Goods and merchandise, lumber, saw-logs, wood, coal, wool, hides, etc.....		.....
18.	Manufacturers' materials and manufactured articles.....		.....
19.	Manufacturers' tools, implements and machinery, in- cluding engines and boilers.....		.....
20.	Moneys of banks (whose capital is not represented by shares of stock,) bankers, brokers or stock jobbers.....		.....
21.	Credits of banks whose capital is not represented by shares of stock,) bankers, brokers or stock jobbers.....		.....
22.	Moneys other than of banks, bankers, brokers or stock jobbers, gold dust or bullion on hand or deposit.....		.....
23.	Bonds and stocks (other than bank stock).....		.....
24.	Shares of gas, wharf or water stock.....		.....
25.	Notes, accounts, warrants and other credits.....		.....
26.	Shares of capital stock of insurance or other companies and associations not incorporated by the laws of this state.....		.....
27.	Stock and furniture of sample rooms, saloons and eating houses, including billiard, bagatelle and similar tables.....		.....
28.	Hay, wheat, oats, corn, barley or other farm products.....		.....
29.	The value of all elevators, warehouses and improvements on lands, the title to which is vested in any railroad company.....		.....
30.	The value of all improvements on lands held under the laws of the United States.....		.....
31.	Shares of stock of insurance or other companies or as- sociations incorporated under the laws of this state.....		.....
32.	Gas or water mains. Total number feet and size.....		.....
33.	Gas or water pipe other than mains. Total number of feet and average size.....		.....
34.	Telegraph, telephone and electric light lines, as per schedule marked "F," in addition to their personal property above listed.....		.....
35.	Cable, horse and electric railways, as per schedule marked "F," in addition to their personal property above listed.....		.....
36.	The value of all other articles of personal property not included in the preceding items.....		.....
Total value of all personal property listed by as- sessor under section 16 of revenue law.....			\$.....
Total exemptions.....			\$.....
Total value of all personal property assessed by assessor under section 16 of revenue law.....			\$.....

DETAIL LIST OF REAL PROPERTY OF —, OF — COUNTY,
WASHINGTON, 189—.

Form of real property de-
tail list. Resident road district ——. Resident school district ——. Character or designation of property. Description of lands and Town property. (In describing lands state whether they are farming, grazing, mineral or timber lands; also, if City or Town property, give the name of the Town and plat, or addition, and give accurate description of all other designated real estate under this head.) Town or City property. No. lot. No. block. No. of section. No. of township. No. of range. No. of acres in each tract or parcel except lots. No. of acres in each tract or parcel improved. Property, road district. Property, school district. Full cash value of each tract, parcel, lot or block of land assessed. Full cash value of improvements on each tract, lot or parcel of land assessed. Full cash value of all real property assessed. Road poll. Bridge.

RECAPITULATION.

Farm lands, unimproved (acres), ——. Grazing lands (acres), ——. Timber lands (acres), ——. Mineral lands (acres), ——. Improved lands (acres), ——. Total acreage, ——. Aggregate assessed value of real property, \$———. Aggregate assessed value of personal property, \$———. Total valuation of all property assessed, \$———. Total road poll tax, \$———.

AFFIDAVIT OF PERSON LISTING THE WITHIN PROPERTY.

STATE OF WASHINGTON, } ss.
COUNTY OF —, }

Affidavit of party listing property. I, ———, do solemnly swear that I am a resident of the County of —, that the within and foregoing detail lists contain full and correct statements of all property subject to taxation in this County which I or any firm of which I am a member, or any corporation, association or company of which I am president, cashier, secretary or managing agent, owned, claimed, possessed or controlled on the first day of April, 189—, at 12 o'clock meridian, and which is not already assessed for said year, and that I have not in any manner whatever transferred or disposed of any

property or placed any property out of said County or my possession for the purpose of avoiding any assessment upon the same, or of making this statement.

Residence, ———.

Subscribed and sworn to before me this ——— day of ———, 189—.

———, County Assessor.

SEC. 17. When the Assessor shall be of opinion that the person listing property for himself or for any other person, company or corporation, has not made a full, fair and complete list of such property, he may examine such person under oath in regard to the amount of the property he is required to list, and if such person shall refuse to answer under oath, and a full discovery make, the Assessor may list the property of such person, or his principal, according to his best judgment and information. (March 15, 1895, Sec. 17. In effect immediately.)

Assessor may
examine
party under
oath as to
correctness
of list.

SEC. 18. Whoever owns, or has in his possession or subject to his control, any goods, merchandise, grain or produce of any kind, or other personal property within this State, with authority to sell the same, which has been purchased either in or out of this State, with a view to being sold at an advanced price or profit, or which has been consigned to him from any place out of this State for the purpose of being sold at any place within the State, shall be held to be a merchant, and when he is by this act required to make out and deliver to the Assessor a statement of his other personal property, he shall state the value of such property pertaining to his business as a merchant. No consignee shall be required to list for taxation the value of any property the product of this State, nor the value of any property consigned to him from any other place for the sole purpose of being stored or forwarded, if he has no interest in such property nor any profit to be derived from its sale. The stock of nurserymen, growing or otherwise, shall be listed and assessed as merchandise. (March 15, 1893, Sec. 18. In effect immediately.)

Merchandise
defined and
how listed.

Exceptions.

Stock of nur-
serymen, etc.,
to be listed.

SEC. 19. Every person who purchases, receives or holds personal property of any description, for the purpose of adding to the value thereof by any process of manufacturing, refining rectifying, or by the combination of different materials, with a view of making gain or profit by so doing,

Manufactur-
ers' property,
how assess-
ed.

Stock and
machinery of
to be listed.

shall be held to be a manufacturer, and he shall, when required to make and deliver to the Assessor a statement of the amount of his other personal property subject to taxation, also include in his statement the value of all articles purchased, received or otherwise held for the purpose of being used, in whole or in part, in any process or operation of manufacturing, combining, rectifying or refining. Every person owning a manufacturing establishment of any kind, and every manufacturer, shall list, as part of his manufacturer's stock, the value of all engines and machinery of every description used or designed to be used in any process of refining or manufacturing, except such fixtures as have been considered as part of any parcel of real property, including all tools and implements of every kind used or designed to be used for the aforesaid purpose. (March 15, 1893, Sec. 19. In effect immediately).

Officers of
companies
and associa-
tions to de-
liver state-
ments to As-
sessors.

SEC. 20. The president, secretary or principal accounting officer or agent of any company or association, whether incorporated or unincorporated, except as otherwise provided for in this act, shall make out and deliver to the Assessor a sworn statement of its property, setting forth particularly—First: The name and location of the company or association. Second: The real property of the company or association and where situated. Third: The nature and value of its personal property. The real and personal property of such company or association shall be assessed the same as other real and personal property. In all cases of failure or refusal of any person, officer, company or association to make such return or statement, it shall be the duty of the Assessor to make such return or statement from the best information he can obtain. (March 15, 1893, Sec. 20. In effect immediately).

Banks, etc.,
where as-
sessed and taxed.

SEC. 21. All the shares of stock in banks, whether of issue or not, existing by authority of the United States or of the State, and located within the State, shall be assessed to the owners thereof in the Cities or Towns where such banks are located, and not elsewhere, in the assessment of all State, County and municipal taxes imposed and levied in such place, whether such owner is a resident of said City or Town or not; all such shares shall be assessed at their full and fair value in money on the first day of April in each year, first deducting therefrom the proportionate part of the value of the real estate belonging to the bank, at the same

rate, and no greater, than that at which other moneyed capital in the hands of citizens and subject to taxation, is by law assessed. And the persons or corporations who appear from the records of the banks to be owners of shares at the close of the business day next preceding the first day of April in each year shall be taken and deemed to be the owners thereof for the purposes of this section. (March 15, 1893, Sec. 21. In effect immediately).

SEC. 22. Every such bank or other corporation shall pay to the collector, or other person authorized to collect the taxes of the State, County, City or Town in which the same is located, at the time in each year when other taxes assessed in the said State, County, City or Town become due, the amount of the tax so assessed in each year upon the shares in such bank or other corporation. If such tax is not so paid, the said bank or other corporation shall be liable for the same. (March 15, 1893, Sec. 22. In effect immediately).

Annual pay-
ment of tax.

SEC. 23. The shares of such banks or other corporations shall be subject to the tax paid thereon by the corporation or by the officers thereof, and the corporation and the officers thereof shall have a lien on all the shares in such bank or other corporation and on all the rights and property of the shareholders in the corporate property for the payment of said taxes; which lien may be foreclosed by a similar proceeding as under chattel mortgages. (March 15, 1893, Sec. 23. In effect immediately).

Lien on shares
for unpaid
taxes.

SEC. 24. The cashier of every such bank shall make and deliver to the Assessor of the County in which such bank is located, on or before the fifteenth day of April in each year, a statement verified by the oath of such cashier showing the name of each shareholder, with his residence and the number of shares belonging to him at the close of the business day next preceding the first day of April, as the same then appeared on the books of said bank. If the cashier fails to make such statement, said Assessor shall forthwith, upon such failure, obtain a list of shareholders, with the residence of and number of shares belonging to each. (March 15, 1893, Sec. 24. In effect immediately).

To furnish list
to Assessor.

SEC. 25. Foreign banks and private bankers doing business in this State and having no fixed amount of capital paid in and used permanently in the conduct of such

Foreign
banks, how
taxed.

- business, shall be assessed on an amount equal to a general average of money used as exhibited by daily or monthly balance sheets during the year preceding the time of rendering such tax list to the Assessor. If such bank or banker shall refuse to make such return of capital as above provided, then the Assessor shall proceed to make an arbitrary assessment, which shall be as fair and as equitable as he may be able to make from the best information he possesses. (March 15, 1893, Sec. 25. In effect immediately.)
- Arbitrary assessment, when. SEC. 26. Property held under a contract for the purchase thereof, belonging to the State, County or municipality, and school and other State lands, shall be considered, for all purposes of taxation, as the property of the person so holding the same. (March 15, 1893, Sec. 26. In effect immediately.)
- Property under contract.
- Railroad corporations to return sworn lists. SEC. 28. Every person, company or corporation owning, operating or constructing a railroad in this State shall return sworn lists or schedules of the taxable property of such railroads as hereinafter provided. Such property shall be listed and assessed with reference to the amount, kind and value, on the first day of April of the year in which it is listed. (March 15, 1893, Sec. 28. In effect immediately.)
- When schedules to be made out, what to contain, etc. SEC. 29. They shall in the month of April of the year eighteen hundred and ninety-three, and at the same time each year thereafter, make out and file with the County Assessors of the respective Counties in which the railroad may be located, a statement or schedule showing the property held for right-of-way in each County and in each City, Town or Village in the County through or into which the road may run, and describing each tract of land, other than a City, Town or Village lot, through which the road may run, in accordance with the United States surveys, where the land is surveyed, giving the width and length of the strip of land held in each tract, and the number of acres thereof. They shall also state the value of improvements and stations located on the right-of-way. New companies shall make such statement in April next after the location of their roads. (March 15, 1893, Sec. 29. In effect immediately.)
- Right-of-way. SEC. 30. All land occupied and claimed exclusively as the right-of-way for railroads by railroad companies or corporations, with all the tracks and all the substructures and

superstructures which support the same, must be assessed as a whole and as real estate, without separating the same into lands and improvements, at a certain sum per mile, which sum, like other lands, shall be full cash value thereof, and all such real estate situated in the State, occupied and claimed by any railroad company as such right-of-way shall be deemed to be the property of such company for the purposes of taxation. (March 15, 1893, Sec. 30. In effect immediately.)

SEC. 31. All railroad improvements, other than the track, substructures and superstructures which support the same, wherever situated, upon the land occupied as the right-of-way owned or occupied by any railroad company or person, used or occupied as such right-of-way, must be separately assessed as personal property. (March 15, 1893, Sec. 31. In effect immediately.)

Railroad improvements, when deemed personal property.

SEC. 32. The value of the "railroad track" shall be listed and taxed in the several Counties in the proportion that the length of the main track in such County bears to the whole length of the road in the State, except the value of the side or second track, and all turnouts, and all station houses, depots, machine shops, or other buildings belonging to the road, which shall be taxed in the County in which the same are located. (March 15, 1893, Sec. 32. In effect immediately.)

Values listed and taxed in each County relatively.

SEC. 33. The moveable property belonging to a railroad company shall be held to be a personal property, and denominated, for the purpose of taxation, "rolling stock." Every person, company or corporation owning, constructing or operating a railroad in this State shall, in the month of April, annually return a list or schedule to the County Assessor of each County wherein they hold or own property, which shall contain a correct detailed inventory of the rolling stock belonging to such company, and which shall distinctly set forth the number of locomotives of all classes, passenger cars of all classes, sleeping and dining cars, express cars, baggage cars, house cars, cattle cars, coal cars, platform cars, wrecking cars, pay cars, hand cars, and all other kinds of cars. (March 15, 1893, Sec. 33. In effect immediately.)

Moveable railroad property treated as personal.

Lists, what to contain.

SEC. 34. The rolling stock shall be listed and taxed in the several Counties in the proportion that the length of the main track used or operated in such County bears to

Rolling stock, how listed and taxed

the whole length of the road used or operated by such person, company or corporation, whether owned or leased by him or them in whole or in part. Said list or schedule shall set forth the number of miles of main track on which said rolling stock is used in the State of Washington, and the number of miles of main track on which said rolling stock is used elsewhere. (March 15, 1893, Sec. 34. In effect immediately.)

Other rail-
road personal
property,
when taxed.

SEC. 35. All tools, machinery and material for repairs, and all other personal property of any railroad company, except "rolling stock," shall be listed and assessed as personal property in the County wherever the same may be on the first day of April of each year. All the real estate other than that denominated railroad track and right-of-way, belonging to any railroad, shall be listed as lands or lots, as the case may be, in the County where the same are located, and shall be assessed with the improvements in the same manner as other similar property is assessed. (March 15, 1893, Sec. 35. In effect immediately.)

SEC. 36. The proper officer of each railroad shall return to the Assessor of the County a copy of the schedule or list of the real estate and of the personal property pertaining to the railroad; and such real and personal property shall be assessed by the Assessor. Such property shall be treated in all respects, in regard to assessment and equalization, the same as other similar property belonging to railroads under the terms "lands," "lots" and "personal property." (March 15, 1893, Sec. 36. In effect immediately.)

Telegraph
and tele-
phone com-
panies to re-
turn lists of
property to
Assessor, and
what lists to
contain.

SEC. 40. Any person, company or corporation using or operating a telegraph, telephone or electric light line in this State, shall, annually, in the month of April, return to the County Assessor a schedule or statement, under oath, as follows: First: The amount of capital stock authorized, and the number of shares into which said capital stock is divided. Second: The amount of capital stock paid up. Third: The market value, or, if no market value, then the actual value of the shares of stock. Fourth: The total amount of all indebtedness, except current expenses for operating the line. Fifth: The length of the line operated in each County, and the total length in the State. Sixth: The total assessed valuation of its tangible property in this State. Such schedule shall give the date, character, extent

and value of such franchise, the number of poles per mile, the number of wires, and every electric light company shall give the kind of lights and the number of each kind supplied, the location and value of the electric plant, whether the ground is owned or leased, and if leased, the owner's name, and the value of the plant separate from such ground. Such schedule shall be made in conformity to such instructions and forms as may be prescribed by the State Auditor, and with reference to amounts and values on the first day of April of the year for which the return is made, and it shall be the duty of the County Assessor to transmit a copy of such schedule to the State Auditor on or before the first Monday in September of each year. All property, real and personal, owned by such person, company or corporation and situated in this State must be listed and assessed for taxation, and shall be subject to the same levies as the property of individuals, and the same rules that govern other companies and corporations. (March 15, 1893, Sec. 40. In effect immediately.)

State Auditor
to prescribe
forms of
schedules.

All property
to be listed
for taxation.

SEC. 41. If any person or corporation shall give a false or fraudulent list, schedule or statement required by this act, or shall fail or refuse to deliver to the Assessor, when called on for that purpose, a list of the taxable personal property which he is required to list under this act, he or it shall be liable to a penalty of not less than ten dollars nor more than two thousand dollars, to be recovered in any proper form of action in the name of the State of Washington, on the complaint of any person, such fine when collected to be paid into the County treasury to the credit of the general fund. (March 15, 1893, Sec. 41. In effect immediately.)

Penalty for
giving false
statements.

SEC. 42. Whoever shall wilfully make a false list, schedule or statement, under oath, shall, in addition to the penalty provided in the preceding section, be liable as in case of perjury. (March 15, 1893, Sec. 42. In effect immediately.)

Same.

SEC. 43. All life, life and accident, fire, fire and marine, plate glass and steam boiler insurance companies now doing business in this State, and all other insurance companies not herein mentioned, or that may hereafter do business in this State, must file with the State Auditor annually, on or before the first day of April in each year, a statement, under oath, stating the amount of all premiums

Insurance
companies to
be taxed on
premiums.

Penalty for
failure to pay
tax.

Proviso.

Property to
be assessed
at its true
value in
money; how
determine
value.

received by said company during the year and the amount of all losses paid, and shall pay into the State treasury a tax of two per cent. on all such premiums collected, less the amount losses paid. The Auditor of State shall file such verified statement and schedule in his office and certify the amount of such gross receipts, less losses as aforesaid, to the State treasurer. Within ten days thereafter such insurance company shall pay or cause to be paid into the State treasury a tax of two per cent. upon all such gross receipts, less such losses paid in the State of Washington, which payment when so made, shall be in lieu of all taxes upon the personal property of such company and the shares of stock therein. Any insurance company failing or refusing to render such statement and to pay the required two per cent. tax thereon for more than thirty days after the time so specified shall be liable to a fine of one hundred dollars for each additional day such statement and payment is delayed, and the taxes may be collected by distraint and the fine recovered by an action to be instituted by the Attorney General, in the name of the State, in any court of competent jurisdiction, and such company is enjoined from doing business in this State until such payment of taxes, and fine, should any be imposed, is fully made, and notice thereof given to the Auditor of State, as required in all other instances, upon payment of taxes or other moneys to the State treasurer; provided, that all real property, if any, of such company shall be listed, assessed and taxed the same as real property of like character of individuals. (March 15, 1893, Sec. 43. In effect immediately.)

SEC. 44. All property shall be assessed at its true and fair value in money. In determining the true and fair value of real or personal property, the Assessor shall not adopt a lower or different standard of value because the same is to serve as a basis of taxation; nor shall he adopt as a criterion of value the price for which the said property would sell at auction, or at a forced sale, or in the aggregate with all the property in the Town or District; but he shall value each article or description of property by itself, and at such sum or price as he believes the same to be fairly worth in money at the time such assessment is made. In assessing any tract or lot of real property, the value of the land, exclusive of improvements, shall be determined; also the value of all improvements and structures thereon, and the aggregate value of the property, includ-

ing all structures and other improvements, excluding the value of crops growing upon cultivated land. In valuing any real property upon which there is a coal or other mine, or stone or other quarry, the same shall be valued at such a price as such property, including the mine or quarry, would sell at a fair, voluntary sale for cash. Taxable leasehold estates shall be valued at such a price as they would bring at a fair, voluntary sale for cash. Money whether in possession or on deposit, shall be entered in the statement at the full amount thereof. (March 15, 1893, Sec. 44. In effect immediately.)

SEC. 45. The Assessor shall list all real property according to the smallest legal subdivision, as near as practicable, and where land has been platted into lots and blocks, he shall list each lot or fraction thereof separately; provided, that when several lots in any block, or several blocks in any plat of any addition, subdivision or townsite, or several tracts of land shall be owned by any one person, firm, syndicate or corporation, the Assessor may group such lots and blocks and tracts so far as practicable. The Assessor shall make out in the real property assessment book, in numerical order, complete lists of all lands or lots subject to taxation, showing the names of owners, if to him known, and if unknown, so stated opposite each tract or lot in pencil memorandum, the number of acres and lots or parts of lots included in each description of property. The assessment books and blanks shall be in readiness for delivery to the Assessors on the first Monday of February of each year. (March 23, 1895, Sec. 4. In effect immediately.)

Real property listed in numerical order.

SEC. 50. If any person required by this act to list property shall be sick or absent when the Assessor calls for a list of his property, the Assessor shall leave at the office or usual place of residence or business of such person, a written or printed notice requiring such person to make out and leave at the place named by said Assessor, on or before some convenient day named therein, the statement or list required by this act. The date of leaving such notice and the name of the person required to list the property shall be noted by the Assessor in his assessment book. (March 15, 1893, Sec. 50. In effect immediately.)

Notice to be left in case of sickness or absence of property owner.

SEC. 51. In every case where any person whose duty it is to list personal property for taxation has refused or neglected to list the same when called on by the Assessor

Refusal or neglect to list property.

for that purpose, or to take and subscribe an oath in regard to the truth of his statement of personal property or any part thereof, when required by the Assessor, the Assessor shall enter opposite the name of such person, in an appropriate column, the words "refused to list," or "refused to swear," as the case may be; and in every case where any person required to list property for taxation has been absent or unable from sickness to list the same, the Assessor shall list the property of such person and enter opposite the name of such person, in an appropriate column, the words "absent or sick." The Assessor is hereby authorized to administer oaths to all persons who, by the provisions of this act, are required to swear, or whom he may require to testify in any case, and he may examine upon oath any person whom he may suppose to have knowledge of the amount or value of the personal property of any person refusing to list or verify his list of personal property. The Assessor shall report to the County board of equalization all cases where the owner or agent of property assessed was, at the time of assessment, either absent or sick or refused to make a sworn statement in reference thereto. (March 15, 1893, Sec. 51. In effect immediately).

Assessor may
administer
oaths.

Failure to ob-
tain lists.

SEC. 54. In all cases of a failure to obtain a statement of personal property, from any cause, it shall be the duty of the Assessor to ascertain the amount and value of such property, and assess the same at such amount as he believes to be the true value thereof. The Assessor, when requested, shall deliver to the person assessed a copy of the statement of property hereinbefore required, showing the valuation of the property so listed, which copy shall be signed by the Assessor. (March 15, 1893, Sec. 54. In effect immediately).

Oaths.

SEC. 58. Any oath authorized to be administered under this act may be administered by any Assessor or Deputy Assessor, or by any other officer having authority to administer oaths. (March 15, 1893, Sec. 58. In effect immediately).

How collect-
ed, and dis-
traint of
property.

SEC. 72. Immediately after the first day of December, the County Treasurer shall proceed to collect all delinquent personal property taxes, and if such taxes are not paid on demand he shall distrain sufficient goods and chattels belonging to the person charged with such taxes, if found within the County, to pay the same, with the said penalty and interest, together with all accruing costs, and shall immediately proceed to advertise the same, by posting writ-

ten notices thereof in three public places in the County in which such property has been levied upon, stating the time when and the place where such property will be sold; and if the taxes for which said property is distrained, and the costs which accrue thereon, are not paid before the date appointed for such sale, which shall not be less than ten days after the taking of such property, such Treasurer shall proceed to sell such property at public auction, or so much thereof as will be sufficient to pay such taxes, penalty, interest and costs, and if there be any overplus of money arising from the sale of any personal property, the Treasurer shall immediately pay any such overplus to the owner of the property so sold, or to his legal representatives. (March 23, 1895, Sec. 15. In effect immediately).

SEC. 73. If the County Treasurer is unable, for the want of goods or chattels whereupon to levy, to collect by distress or otherwise, the taxes, or any part thereof, which may have been assessed upon the personal property of any person or corporation, or any executor or administrator, guardian, receiver, accounting officer, agent or factor, such Treasurer shall file with the County Auditor, on the first day of March following, a list of such taxes, with an affidavit of himself, or of the Deputy Treasurer entrusted with the collection of said taxes, stating that he had made diligent search and inquiry for goods and chattels wherewith to make such taxes, and was unable to make or collect the same. The County Auditor shall deliver such list and affidavit to the board of County Commissioners at their first session thereafter, and they shall cancel such taxes as they are satisfied cannot be collected. The County Auditor shall then certify to the State Auditor the amount of State tax thus found to be delinquent and uncollectible, which amount shall be deducted from the amount to be paid by such County to the State Treasurer on account of such taxes. (March 23, 1895, Sec. 16. In effect immediately).

In case of failure to collect, to file list with County Auditor.

SEC. 79. All taxes and levies which may hereafter be lawfully imposed or assessed shall be and they are hereby declared to be a lien respectively upon the real estate upon which they may hereafter be imposed or assessed, which liens shall include all charges and expenses of and concerning the said taxes which, by the provisions of this act, are directed to be made. The said lien shall have priority to and shall be fully paid and satisfied before any recognizance, mortgage, judgment, debt, obligation or responsibility to or

Taxes to be a lien.

with which said real estate may become charged or liable. (March 23, 1895, Sec. 19. In effect immediately).

Lien may be
satisfied, how.

SEC. 81. Any person being the owner or having an interest in an estate or claim to real estate against which taxes shall have been registered as unpaid may pay the same and satisfy the lien at any time before suit or sale of said real estate. The person or authority who shall collect or receive the same shall give a certificate that such taxes have been so paid to the person or persons entitled to demand such certificate. Upon neglect or refusal by such officer or authority to so certify the same within ten days after the receipt of such registered taxes, and to enter satisfaction thereof, such officer shall forfeit and pay to the party aggrieved by such neglect the sum of twenty-five dollars, to be recovered in any court having competent jurisdiction, and such court, when satisfied that such registered taxes have been paid, shall issue an order in writing directing the County Treasurer and County Auditor to enter satisfaction upon such duplicate register of the taxes so paid. (March 15, 1893, Sec. 84. In effect immediately).

All property
heretofore
sold to Coun-
ties for delin-
quent taxes
deemed reg-
istered, when.

SEC. 82. All lots, tracts and parcels of land heretofore sold to Counties for delinquent taxes, which taxes are due and remaining unpaid at the date of the approval of this act or for the collection of which suit has been instituted but no judgment ordering such property sold for said taxes has been rendered, as shown by the register of unpaid taxes on file in the offices of the several County Treasurers, shall be deemed to be registered under the provisions of this act; and suit to enforce the payment of such unpaid taxes, together with penalty, interest, costs and expenses, shall be instituted and payment enforced under the provisions of this act. (March 15, 1893, Sec. 85. In effect immediately).

SEC. 83. When any tax on real estate is paid by or collected of any occupant or tenant, or any other person, which, by agreement or otherwise, ought to have been paid by the owner, lessor or other party in interest, such occupant, tenant or other person may recover by action the amount which such owner, lessor or party in interest ought to have paid, with interest thereon at the rate of ten per cent. per annum, or he may retain the same from any rent due or accruing from him to such owner or lessor for real estate on which such tax is so paid; and the same shall, until paid, constitute a lien upon such real estate. (March 15, 1893, Sec. 86. In effect immediately).

SEC. 84. Any person who has a lien, by mortgage or otherwise, upon any real property upon which the taxes have not been paid, may pay such taxes and the interest, penalty and costs thereon; and the receipt of the County Treasurer shall constitute an additional lien on such land, to the amount therein stated; and the amount so paid and the interest thereon, at the rate specified in the mortgage or other instrument, shall be collectible with, or as a part of, and in the same manner as the amount secured by, the original lien. (March 15, 1893, Sec 87. In effect immediately).

SEC. 85. The taxes assessed upon real property shall be a lien thereon from and including the first day of April in the year in which they are levied until the same are paid; but as between a grantor and grantee such lien shall not attach until the first day of January of the succeeding year. The taxes assessed upon personal property shall be a lien upon all of the personal property of the person assessed, and also upon the property so assessed if the possession thereof shall have been transferred, from and after the first day of January next succeeding the date of the levy of such taxes. (March 23, 1895, Sec. 21. In effect immediately).

When lien
attaches.

SEC. 86. If the County Treasurer has reason to believe, or is informed, that any person has given to the Assessor a false statement of his personal property; or that the Assessor has not returned the full amount of property required to be listed in his County; or has omitted or made an erroneous return of any property which is by law subject to taxation; or if it shall come to his knowledge that there is property of a non-resident of his County which is about to be removed from the State, which has not been listed for taxation for the current year, he shall proceed, at any time before the final settlement with the County Auditor, to correct the return of the Assessor and to charge the owner of said property on the tax list with the proper amount of taxes. To enable him to do this he is hereby authorized and empowered to issue compulsory process and to require the attendance of any person whom he may suppose to have a knowledge of the articles, or value of the property, and to examine such person on oath in relation to such statement or return; and the Treasurer shall in all such cases notify every such person, before making the entry upon the tax list, that such person may have an oppor-

False state-
ment.

tunity of showing that his statement, or the return of the Assessor, is correct; the County Treasurer shall in all cases file in his office the statement of facts or evidence upon which he made such corrections. (March 23, 1895, Sec. 22. In effect immediately.)

SEC. 87. If any tax on any property liable to taxation is prevented from being collected for any year or years, by reason of any erroneous proceeding, or other cause, the amount of such tax which such property should have paid shall be added to the tax on such property for the next succeeding year. (March 15, 1893, Sec. 90. In effect immediately.)

SEC. 88. At the time of making the assessment of real property the Assessor shall enter each description of property exempt under the provisions of section five of this act, and value and list the same in the manner and subject to the same rule as he is required to assess all other property, designating in each case to whom such property belongs, and for what purpose used, to entitle it to exemption. (March 15, 1893, Sec. 91. In effect immediately.)

SEC. 90. Whenever a civil action is commenced against any person holding the office of County Treasurer, County Auditor or any other officer for performing or attempting to perform any duty authorized or directed by any statute of this State for the collection of the public revenue, such Treasurer, Auditor or other officer may, in the discretion of the court before whom such action is brought, by an order made by such court and entered in the minutes thereof, be allowed and paid out of the County treasury reasonable fees of counsel and other expenses for defending such action. (March 15, 1893, Sec. 93. In effect immediately.)

Auditor shall
prescribe
form.

SEC. 92. The Auditor of State shall prescribe the forms of all blanks and books required under the provisions of this act, and, except as hereinafter provided, shall have all detail lists, schedules and assessment books to be used in connection with the assessment and collection of the public revenue printed and, when necessary, bound at the expense of the State, and furnished in sufficient size and quantities to the several Counties as may be required; provided, that in preparing such assessment books the State Auditor shall follow, substantially, the following form:

GENERAL LAWS.

121

ASSESSMENT AND TAX ROLL OF REAL PROPERTY IN

PAGE.

Equalized value by state board.....		\$
Equalized value by county board.....		\$
No. of school district ...		
No. of road district.....		
Rate per mile.....		\$
Aggregate assessed valuation of railroad track.....		\$
Aggregate assessed valuation of town or city lots and improvements thereon.....		\$
Value of improvements on town or city lots.....		\$
Value of town or city lots.....		\$
Aggregate assessed valuation of lands and improvements thereon.....		\$
Value of improvements on lands.....		\$
Value of lands.....		\$
No. of acres improved.....		
No. of acres.....		
DESCRIPTION OF LAND OR TOWN PROPERTY.	No. of range.....	
	No. of township.....	
	No. of section.....	
	No. of block.....	
	No. of lot.....	
Name of person, firm, company or corporation assessed as owners.	Part of section, donation, mining or claim; name of city, town, village or addition there-to.	
No. of line.....		

[LEFT HAND PAGE].

GENERAL LAWS.

COUNTY, STATE OF WASHINGTON FOR THE YEAR 189—.		PAGE.
STATE AND COUNTY TAX LEVIES.		
State general fund.....Mills.		
State military fund.....Mills.		
State interest fund.....Mills.		
TOTAL STATE.....Mills.		
County general fund.....Mills.		
County school fund.....Mills.		
County road and bridge.....Mills.		
County road property.....Mills.		
County.....Mills.		
County.....Mills.		
TOTAL COUNTY.....Mills.		
Total of.. levies, state and county.....Mills.		
\$	C	
SPECIAL TAX LEVIES.		
.....Mills.		
.....Mills.		
\$	C	
No. of line.....		
REMARKS.		
No. of tax receipt.....		
Date of payment.....		
Total amount tax paid on each description of property after date of delinquency.....		C
Twenty per cent. interest.....		\$
Five per cent. penalty.....		C
Total amount of taxes delinquent on each description of property.....		\$
Total amount of taxes paid on each description of property.....		C
Two per cent. rebate.....		\$
Total amount of taxes on each description of property.....		C
City or town tax levy.....		C
Name of city or town.....Mills.		\$
.....Mills.		C
.....Mills.		\$
.....Mills.		C
\$		

[RIGHT HAND PAGE]

And provided further, that Counties may provide their own assessment books and blanks, the expense of such books and blanks to be paid by the County. The assessment books and blanks shall be in readiness for delivery to the Assessor on the first Monday of March in each year. The State Auditor shall decide all questions that may arise in reference to the true construction or interpretation of this act, or any part thereof, in connection with the advice and opinion of the Attorney General of the State, and such decision shall have force and effect until annulled by the judgment or decree of a court of competent jurisdiction. (March 23, 1895, Sec. 20 In effect immediately.)

Counties may provide their own blanks, etc.

State Auditor to decide all questions concerning interpretation of this act.

SEC. 93. The County Treasurer shall, during the month of April in the third calendar year following the date of delinquency of any taxes on real property, publish an advertisement giving notice of the intended application for judgment for sale of such delinquent lands and lots, in a newspaper published in his County, if any such there be, or if there be no such paper printed in his County, then he shall post three notices of such intended application in the most conspicuous places in such County, one of which shall be at the door of the court house at the County seat of such County. Said advertisement shall be published once each week for three successive publications, and the last of such publication shall be at least one week prior to the date fixed in such advertisement for such intended application. Said advertisement shall contain a list of the delinquent lands and lots upon which the taxes remain due and unpaid, the names of the owners, if known, the total amount due thereon, and the year or years for which the same are due. Said Treasurer shall therein give notice that on the second Monday of May in such year he will apply to the Superior court of his County for judgment against said lands and lots, for said taxes, penalties, interest and costs, and for an order to sell said lots and lands for the satisfaction thereof; and shall also give notice that on the first Monday of September following, the lots and lands, for the sale of which an order shall be made, will be exposed to public sale at the front door of the court house in said County, for the amount of taxes, penalties, interest and costs due thereon; and the advertisement, published according to the provisions of this section, shall be deemed to be sufficient notice of the intended application for judgment.

ment, and of the sale of the lands and lots under the order of the said court. Where the publisher of any paper that may have been selected by the County Treasurer shall be unable or unwilling to publish such advertisement, said Treasurer shall select some other newspaper, having due regard to the circulation of such paper, or shall post the notices hereinbefore prescribed: Provided, that the price charged by any newspaper for such publication shall not exceed in any case the sum of thirty cents for each description. The Clerk of the court shall charge against each delinquent owner the same fees as are charged for similar services in a civil action, and where several tracts belong to one person, firm or corporation, the fee shall be charged against such person, firm or corporation for a single action: Provided, that when the tax is not contested the entire charges against any one owner shall not exceed one dollar (March 23, 1895, Sec. 23. In effect immediately.)

Clerk's fees.

Compensation.

Treasurer to select real property to be held for personal property tax.

SEC. 94. When it becomes necessary, in the opinion of the County Treasurer, to charge the tax on personal property against real property, in order that such personal property tax may be collected, such County Treasurer shall select for that purpose some particular tract or lots of real property owned by the person owing such personal property tax, and in his advertisement for judgment and sale shall designate the particular tract or lots of real property against which such personal property tax is charged, and in the list filed for judgment the same facts shall be shown and the court shall take cognizance thereof, and give judgment against such tract or lots of real property for such personal property tax. In all proceedings relative to assessing, advertising or selling lots or lands for taxes, and any entries required to be made by the Clerk of the court, or other officer, letters, figures and characters may be used to denote townships, ranges, sections, parts of sections, lots or blocks, or parts thereof, the year or the years for which the taxes were due, and the amount of taxes, assessments, penalties, interest and costs. Whenever the abbreviation "do," or character ".,," or any other similar abbreviations or characters shall be used in any such proceedings, they shall be construed and held as meaning and being the same name, word, initial, letters, abbreviations, figure or figures, as the last preceding such "do" and ".,," or other similar characters. In advertising, the whole of such advertisement shall

be contained in one edition of such newspaper, and such list shall not be published in supplemental form; provided, that nothing contained in this section shall prevent the County Treasurer from subsequently advertising and obtaining judgment on lands or lots that may have been omitted through no fault of the Treasurer, or that may have been erroneously advertised or described in the first advertisement. (March 15, 1893, Sec. 97. In effect immediately.)

Proviso.

SEC. 95. All applications for judgment and order of sale for taxes and assessments, together with penalties, interest and costs, on delinquent lands and lots, shall be made to the Superior court of such County at the time hereinbefore specified, to wit: On the second Monday of May in the third calendar year following the date of the delinquency of such taxes and assessments. If from any cause the Superior court shall not be in session on such day the cause shall stand continued, and it shall not be necessary to re-advertise the list or notice required by law to be advertised before judgment and sale, but as soon thereafter as the same can be heard said court shall hear and determine the matter, and if judgment is rendered the sale shall be made on the first Monday in September following. If from any cause the County Treasurer is prevented from advertising and obtaining judgment at said time it shall be held to be legal to obtain judgment at any subsequent time when said court is in session, but if the failure arises from the County Treasurer's not complying with any of the requirements of this act, he shall be held on his official bond for the full amount of all taxes and assessments, together with penalties, interest and costs charged against him; provided, that no such failure on the part of the County Treasurer shall not be allowed as a valid objection to the collection of any tax or assessment, or to the rendition of judgment against any delinquent lands or lots included in the application of such County Treasurer; and provided further, that on the application for judgment at such subsequent term it shall not be deemed necessary to set forth or establish the reasons of such failure. (March 23, 1895, Sec. 24. In effect immediately.)

Applications for judgment and order of sale to be made to Superior court.

Proviso.

SEC. 96. The printer, publisher or financial officer or agent of the newspaper publishing the list of the delinquent lands or lots shall transmit and deliver to the County Treasurer seven copies of the paper containing said list, to each of which he shall attach his certificate, under oath, of the

Certified list under oath to be furnished the County Treasurer.

due publication of the delinquent list for the time required by law, (two of which copies shall be presented by the County Treasurer to the County court at the time judgment is prayed,) and said copies shall be filed as a part of the records of the court. Upon receipt of said papers by said County Treasurer it shall be his duty to file two copies of said paper in his office and deliver at least three copies to the County Auditor, all of which officers shall file and safely preserve them in their respective offices. (March 15, 1893, Sec 99. In effect immediately).

Error in advertised list.

SEC. 97 In all cases where there is an error in the advertised list, the fault thereof being the printer's, which prevents judgment being obtained against any tracts or lots, or against all of said delinquent list, at the time stated in the advertisement that judgment will be applied for, the printer shall lose the compensation allowed by law, or by contract, for publishing the advertisement of such erroneous descriptions of tracts, or lots, or for publishing the entire list, as the case may be. (March 15, 1893, Sec. 100 In effect immediately).

County Treasurer to transcribe in record.

SEC. 98 The County Treasurer shall transcribe into a book prepared for that purpose, and known as the tax judgment sale, redemption and forfeiture record, the list of delinquent lands or lots, which shall be made out in numerical order, and which shall contain all the information necessary to be recorded, at least five days before the commencement of the term at which application for judgment is to be made, which book shall set forth the name of the owner, if known, the proper description of the land or lot, the year or years for which the taxes or assessments are due, the valuation on which the tax is extended, the amount of the taxes and assessments, together with the penalties, interest and costs charged against such land or lot. Said book shall also be ruled in columns, so as to show the amount paid before the rendition of judgment, the amount of judgment, and a column for remarks, the amount paid before the sale and after the rendition of said judgment, the amount of the sale, amount of interest or penalty, amount of cost, amount forfeited to the County, date of sale, acres or part sold, name of purchaser, amount of sale and penalty, taxes of succeeding years, interest and when paid, interest and cost, total amount of redemption, date of redemption, when deed ex-

What record is to contain.

ecuted, by whom redeemed, and a column for remarks, or receipt of redemption money. (March 15, 1893, Sec. 101. In effect immediately).

SEC. 99. Any person owning an interest in lands or lots upon which judgment is prayed, as provided in this act, may in person or by agent pay the taxes, assessments, penalties, interest and costs due thereon to the County Treasurer of the County in which the same are situated at any time before sale; and for the amount so paid he shall have a lien on the property liable for taxes, assessments, penalties, interest and costs for which judgment is prayed. (March 15, 1893, Sec. 102. In effect immediately).

Lien on property for taxes paid by one having interest.

SEC. 100. On or before the morning of the day on which judgment on delinquent lands or lots is prayed, it shall be the duty of the Treasurer to report to the Clerk of the Superior court all the lands or lots, as the case may be, upon which taxes and assessments, together with penalties, interest and costs have been paid, if any, from the filing of the list mentioned in section 95, up to that time, and the Clerk shall note the fact opposite each tract upon which such payments have been made. (March 15, 1893, Sec. 103. In effect immediately).

Treasurer's report to Superior court.

SEC. 101. The Treasurer, assisted by the Clerk, shall prepare and correct said list and shall make and subscribe an affidavit, which shall be substantially in the following form:

Affidavit of Treasurer.

I, _____, Treasurer of the County of _____, State of Washington, do solemnly swear (or affirm, as the case may be) that the foregoing is a true and correct list of the delinquent lands and lots within the County of _____, for the year, or years, therein specified upon which I have been unable to collect the taxes, assessments, penalties, interest and costs charged thereon as required by law; and that said taxes now remain due and unpaid, as I verily believe.

_____, County Treasurer.

Said affidavit shall be entered at the end of the list and signed by the Treasurer, duly attested by his seal. (March 15, 1893, Sec. 104. In effect immediately.)

SEC. 102. The court shall examine said list, and if defense (specifying in writing the particular cause of objection) be offered by any person interested in any of said lands or lots to the entry of judgment against the same, the Court to hear and determine summarily.

court shall hear and determine the matter in a summary manner, without pleadings, and shall pronounce judgment as the right of the case may be; or said court may, in its discretion, continue such individual cases, wherein defense is offered, to such time as it may deem necessary, in order to secure substantial justice to the defendant therein; but in all other cases said court shall proceed to determine the matter in a summary manner as above specified. The court shall give judgment for such taxes, assessments, penalties, interest and costs as shall appear to be due upon the several lots or tracts described in said notice of application, and such judgment shall be considered as a several judgment against each tract or lot, or part of a tract or lot, for each kind of tax or assessment included therein, including all penalties interest and costs, and the court shall order and direct the Clerk to make out and enter an order for the sale of such real property against which judgment is made, which shall be substantially in the following form:

Form of order
of sale.

"Whereas, due notice has been given of the intended application to this court for a judgment against the lands and lots hereinbefore described, and no sufficient evidence having been made or cause shown why judgment should not be entered against said lands or lots for taxes, assessments, interest, penalties and costs due and entered thereon for the year or years herein set forth; therefore, it is considered, adjudged and decreed by this court that judgment be and is hereby entered against the aforesaid tract or tracts or lots of land, or parts of tracts or lots (as the case may be), in favor of the State of Washington, for the sum annexed to each, being the amount of taxes, assessments, penalties, interest and costs due severally thereon, and it is ordered by the court that the said several tracts or lots of land, or so much of each of them as shall be sufficient to satisfy the amount of taxes, assessments, penalties, interest and costs annexed to them severally, be sold as the law directs, and on the ——— day of ———, 18—."

Certified copy
of order to be
served upon
the County
Treasurer.

Said order shall be signed by the Judge of such Superior court and attested by the Clerk thereof, and a certified copy of said order together with a certified list of the property therein ordered sold shall be served upon the County Treasurer, and the said service shall be full and sufficient authority for him to proceed to sell said property for said sums set forth in said order and to take such further steps

in the matter as are provided by law. In all judicial proceedings of any kind for the collection of taxes, assessments, and the penalties, interest and costs therein, all amendments may be made which, by law, can be made in any personal action pending in such court, and no assessments of property or charge for any of said taxes shall be considered illegal on account of any irregularity in the tax lists or assessment roll, or on account of the assessment rolls or tax lists not having been made, completed or returned within the time required by law, or on account of the property having been charged, or listed, in the assessment or tax list without name, or any other name than that of the original owner, and no error or informality in the proceedings of any of the officers connected with the assessment, levying or collection of the taxes, not effecting the substantial justice of the tax itself, shall vitiate or in any manner affect the tax, or the assessment thereof, and any irregularity or informality in the assessment rolls, or tax lists, or in any of the proceedings connected with the assessment or levy of such taxes, or any omission or defective act of any officer or officers connected with the assessment or levying of such taxes may be, in the discretion of the court, corrected, supplied and made to conform to law by the court. (March 15, 1893, Sec. 105. In effect immediately.)

Amendments
may be made.

SEC. 103. Appeals from the judgment of the court may be taken to the Supreme court at any time within six months after the rendition of said judgment, on the party praying an appeal executing a bond to the State of Washington, with two or more sureties to be approved by the court, in some reasonable amount to be fixed by the court, conditioned that the appellant will prosecute his said appeal with effect, and will pay the amount of any taxes, assessments, penalties, interest and costs which may finally be adjudged against the real estate involved in the appeal by any court having jurisdiction of the cause. But no appeal shall be allowed from any judgment for the sale of lands or lots for taxes, nor shall any writ of error to reverse such judgment operate as a supersedeas, unless the party praying such appeal, or desiring such a writ of error, shall, before taking such appeal, or suing out such a writ of error, deposit with the County Treasurer an amount of money equal to the amount of the judgment and costs. If in case of an appeal, or suing out a writ of error, the judgment shall be con-

Appeals to Su-
preme court.

firmed in whole or in part, the Supreme court shall enter judgment for the amount of taxes, with damages, not to exceed ten per cent., and order that the amount deposited with the Treasurer aforesaid, or so much thereof as may be necessary, be credited upon the judgment so rendered, and execution shall issue for the balance of said judgment, damages and costs. The Clerk of the Supreme court shall transmit to said County Treasurer a certified copy of the order of affirmance, and it shall be the duty of such County Treasurer, upon receiving the same, to apply so much of the amount deposited with him, as aforesaid, as shall be necessary to satisfy the amount of the judgment of the Supreme court, and to account for the same as collected taxes. If the judgment of the Superior court shall be reversed, and the cause remanded for a re-hearing, and if, upon the re-hearing, judgment shall be rendered for the sale of the land or lots for taxes, or any part thereof, and such judgment be not appealed from, or writ of error prosecuted with supersedeas issued thereon, as herein provided, the Clerk of such Superior court shall certify to the County Treasurer the amount of such judgment, and thereupon it shall be the duty of the County Treasurer to certify to the County Clerk the amount deposited with him, as aforesaid, and the County Clerk shall credit the said judgment with the amount of such deposit, or so much thereof as will satisfy the judgment, and the County Treasurer shall be chargeable and accountable for the amount so credited as collected taxes. Nothing herein done shall be construed as requiring an additional deposit, in case of more than one appeal or writ of error being prosecuted in said proceedings. If, upon a final hearing, judgment shall be refused for the sale of lands or lots for the taxes, penalties, interest and costs, or any part thereof, the County Treasurer shall pay over to the party who shall have made such deposit, or his legally authorized agent or representatives, the amount of the deposit, or so much thereof as shall remain after the satisfaction of the judgment against the premises in respect of which such deposit shall have been made. (March 15 1893, Sec. 106. In effect immediately).

Execution of
judgment.

SEC. 104. If judgment is rendered by any court at any time against any lands or lots for any taxes assessment, penalty, interest or costs, the County Treasurer shall, after publishing notice of sale, in compliance with the requirements of Section 93 of this act, proceed to execute such

judgment by the sale of lands and lots against which such judgment has been rendered ; Provided, however, that in case of an appeal from any such judgment the County Treasurer shall not sell until such appeal is disposed of. (March 15, 1893, Sec. 107. In effect immediately.)

SEC. 105. On the day advertised for sale the County Clerk, assisted by the County Treasurer, shall carefully examine said list upon which judgment has been rendered, and see that all payments have been properly noted thereon, and said Clerk shall make a certificate, to be entered upon said record, following the order of [the] court, that such record is correct, and that judgment was rendered upon the property therein mentioned for the taxes, penalty, interest and costs due thereon, which certificate shall be attested by the Clerk, under seal of the court, and shall be the process on which all real property, or any interest therein, shall be sold for taxes, assessments, penalties, interest and costs due thereon, and may be substantially in the form following :

I, ———, County Clerk and Clerk of the Superior court in and for the County of ———, State of Washington, do hereby certify that the foregoing is a true and correct record of the delinquent real estate in said County against which judgment and order of sale was duly entered in the Superior court of said County on the ——— day of ———, 189—, for the amount of the taxes, assessments, penalties, interest and costs due severally thereon, as therein set forth, and that the judgment and order of court in relation thereto fully appears on said record.

Form of
Clerk's cer-
tificates.

—————,
Clerk of Superior Court.

Said certificate shall be duly signed by the Clerk of said Superior court and attested by his official seal. (March 15, 1893, Sec. 108. In effect immediately.)

SEC. 105. The County Treasurer shall, in person or by deputy, attend all sales of real estate for taxes, and such sales shall be publicly conducted. (March 15, 1893, Sec. 109. In effect immediately.)

County Treas-
urer to at-
tend sales,
which are to
be public,

SEC. 107. Whenever a tract or lot shall be sold it shall be the duty of the County Treasurer to certify such sale to the County Clerk, whose duty it shall be to enter on the

Manner of
keeping re-
cord.

record aforesaid the quantity sold and the name of the purchaser opposite such tract or lot, in the blank columns provided for that purpose; and when any such property shall be redeemed from sale the Clerk shall enter the name of the person redeeming, and the date and amount of redemption, in the proper column, on production of the certificate of the County Treasurer under seal that said property has been redeemed from such sale. (March 15, 1893, Sec. 110. In effect immediately.)

SEC. 108. All tracts or lots forfeited to the County at such sale as hereinafter provided shall be noted on said record. (March 15, 1893, Sec. 111. In effect immediately.)

SEC. 109. Said book shall be known and designated as the tax judgment sale, redemption and forfeiture record, and be kept in the office of the County Clerk. (March 15, 1893, Sec. 112. In effect immediately.)

SEC. 110. The County Treasurer, in person or by deputy, shall attend at the front door of the County court house in his County on the day specified in the judgment of the Superior court ordering such sale (due notice of which shall be given by said Treasurer), for the sale of real estate for taxes, and then and there, between the hours of 10 o'clock in the forenoon and 3 o'clock in the afternoon, proceed to offer for sale separately and in consecutive order, each tract of land, or Town or City lot, in the said list on which the taxes, assessments, penalties, interest or costs have not been paid. The sale shall be continued from day to day during the same hours until all the tracts or lots in the delinquent list shall be sold or offered for sale. (March 15, 1893, Sec. 113. In effect immediately.)

SEC. 111. The person at such sale offering to pay the amount due on each tract or lot for the least quantity thereof, shall be the purchaser of such quantity, which shall be taken from the east side of such tract or lot. In determining such piece or parcel of such tract or lot, a line is to be drawn due north and south, far enough west of eastern point of tract, to make the requisite quantity. (March 15, 1893, Sec. 114. In effect immediately.)

SEC. 112. Every tract or lot so offered at public sale, and not sold for want of bidders, shall be forfeited to the County in which such property is situated, and in which

such sale is made; provided, however, that whenever the Superior court and County Treasurer shall certify that the taxes, penalties, interest and costs on forfeited lands equals or exceeds the actual value of such lands, the officer directed by law to expose for sale lands for delinquent taxes shall, upon receipt of such certificate, offer for sale to the highest bidder the tract or lands in such certificate described, after first giving ten days' notice by advertising, in some paper of general circulation in his County, the time and place of sale, together with the description of the tracts or lands so to be offered. And a certificate of purchase shall be issued to the purchaser at such sale as in other cases in this act provided, and the County Treasurer shall receive credit in his settlement with the County Auditor for the amount on the several funds not realized by such sale. All collections made under the provisions of this act shall be paid into the several funds by the County Treasurer, and accounted for in the same manner as all other moneys received by him. (March 15, 1893, Sec. 115. In effect immediately).

SEC. 113. If any County Treasurer by himself or Deputy shall fail to attend any sale of lands or lots advertised according to the provisions of this act and make sale thereof as required by law, he shall be liable, upon his official bond, to pay the amount of taxes, assessments, penalties, interest and costs due upon the lands or lots so advertised. The said Treasurer may afterwards advertise and sell such delinquent property to reimburse himself for the amount advanced by him; but at no such sale shall there be any property forfeited to the County. (March 15, 1893, Sec. 116. In effect immediately).

Penalty for
Treasurer not
attending
sale.

SEC. 114. The person purchasing any tract or lot, or any part thereof, shall forthwith pay to the Treasurer the amount charged on such tract or lot, and on failure so to do the said tract or lot shall be again offered for sale in the same manner as if no sale had been made; and in no case shall the sale be closed until payment is made or the tract or lot again offered for sale. (March 15, 1893, Sec. 117. In effect immediately).

Payment.

SEC. 115. The County Treasurer, on being requested so to do, shall make out and deliver to the purchaser of any lands or lots, or any portion thereof as aforesaid, a certificate of purchase, describing the land or lot, or portion thereof, sold, as the same was described in the delinquent

Certificate of
purchase.

list, the date of such sale, the amount of taxes, assessments, penalties, interest and costs for which the same was sold, and that payment has been made therefor. If any person shall become the purchaser of more than one tract or lot, he may have the whole, or one or more of them, included in one certificate. Such certificate of purchase shall be assignable by indorsement, and an assignment thereof shall vest in the assignee, or his legal representatives, all the right and title of the original purchaser. Such certificates, when issued, shall be numbered consecutively by the Treasurer in the order of their issuance, and the number of such certificate shall be indorsed upon the tax judgment sale, redemption and forfeiture record, described in section 98. (March 15, 1893, Sec. 118. In effect immediately).

Index to tax
sale records
open to in-
spection.

SEC. 116. The County Treasurer is hereby authorized to make an index to tax sale records in a book when furnished by the County, which index shall be kept in his office as a public record open to the inspection of all persons during office hours. (March 15, 1893, Sec. 119. In effect immediately).

Redemption
of property
sold for taxes.

SEC. 117. Real property sold under the provisions of this act may be redeemed at any time before the expiration of three years from the date of sale, by payment, in legal money of the United States, to the County Treasurer of the proper County, the amount for which the same was sold, together with 12 per cent. interest thereon from the date of sale until payment. The person redeeming such property shall also pay the amount of all taxes, assessments, penalties, interest and costs accruing after such sale, with 12 per cent. interest thereon from the day the same were due until paid, unless such subsequent taxes or assessments, penalties, interest or costs has been paid by or on behalf of the person for whose benefit the redemption is made, and not being purchaser at the tax sale, or his assignee. No fee shall be charged for any redemption after the passage of this act. If the real property of any minor, heir or insane person be sold for non-payment of taxes or assessments, the same may be redeemed at any time after sale and before the expiration of one year after such disability has been removed upon the terms specified in this section on the payment of interest [at the rate] of 10 per cent. per annum on the amount for which the same was sold, from and after the date of sale, which redemption may be made by themselves

or by any person in their behalf. Tenants in common, or joint tenants, shall be allowed to redeem^{*} their individual interests in real property sold under the provisions of this act in the same manner and under the terms specified in this section for the redemption of real property other than that of insane persons and minor heirs. Any redemption made shall inure to the benefit of the person having the legal or equitable title to the property redeemed, subject, however, to the right of the person making the same to be reimbursed by the person benefited. (March 23, 1895, Sec. 25. In effect immediately.)

SEC. 118. If any purchaser of real estate sold for taxes or assessments shall suffer the same to be forfeited to the County or sold again for taxes before the expiration of the last day of the second annual sale thereafter, such purchaser shall not be entitled to a deed for such real property until the expiration of a like term from the date of the second sale or forfeiture, during which time the land shall be subject to redemption upon the terms and conditions prescribed in this act; but the person redeeming shall only be required to pay, for the use of such first purchaser, the amount paid by him. The second purchaser, if any, shall be entitled to the redemption money as provided for in the preceding section; provided, however, it shall not be necessary for any municipal corporation which shall bid in its own delinquent special assessments at any sale, in default of other bidders, to protect the property from subsequent forfeitures or sales, as above required in this section. (March 15, 1893, Sec. 122. In effect immediately.)

SEC. 119. The books and records belonging to the office of County Treasurer, certified by said Treasurer shall be deemed prima facie evidence to prove the sale of any land or lot for taxes or assessments, the redemption of the same or payment of taxes or assessments thereon. The County Treasurer shall, at the expiration of his term of office, pay over to his successor in office all moneys in his hands received for redemption from sale for taxes on real estate. (March 15, 1893, Sec. 123. In effect immediately.)

SEC. 120. Whenever it shall be made to appear to the satisfaction of a County Treasurer that any tract or lot was sold which was not subject to be taxed or upon which taxes or assessments have been paid previous to the sale, he shall make an entry opposite to such tract [s] or lots in the sale

Forfeiture.

Erroneous
sale.

or redemption record that the same was erroneously sold, and such entry shall be prima facie evidence of the fact therein stated. (March 15, 1893, Sec. 124. In effect immediately.)

SEC. 121. When the purchaser at such erroneous sale, or any one holding under him, shall have paid any taxes or assessments, together [with] the penalty, interest and costs, upon the property so sold, which has not been paid by the owner of the property, he shall have the right to recover from such owner the amount he has so paid, with 10 per cent. interest from the time of payment, as money paid for the owner's use. (March 15, 1893, Sec. 125. In effect immediately.)

Release.

SEC. 122. The receipt of the redemption money of any tract of land or lot by any purchaser, or by the County Treasurer for the benefit of such purchaser, or the return of the certificate of purchase for cancellation, shall operate as a release of all the claim to said tract under or by virtue of the purchase, and the County Treasurer, upon the receipt of any such redemption money, shall immediately indorse upon the sale or redemption record the fact that such taxes, penalties, interest and costs have been paid, and the property therein described has been redeemed from sale by said payment, and shall deliver to the person redeeming the same the certificate of redemption provided for [in] section 130. (March 15, 1893, Sec. 126. In effect immediately.)

Conditions to be complied with prior to receipt of deed.

SEC. 123. Hereafter no purchaser, or assignee of such purchaser, of any land, Town or City lot, at any sale of lands or lots for taxes or assessments, penalties, interest and costs, due either to the State or County, shall be entitled to a deed for lands or lots so purchased, until the following conditions have been complied with, to-wit: Such purchaser, or assignee, shall serve or cause to be served a written or printed or partly written and partly printed notice of such purchase, on every person in actual possession or occupancy of such land or lot; also the person in whose name the same was assessed or taxed, if upon diligent inquiry he, or she, can be found in the County; also the owners of and parties interested in said land or lot, if they can, upon diligent inquiry, be found in the County, at least three month[s] before the expiration of the time of redemption on such sale; in which notice he shall state when he purchased the land

or lot, in whose name taxed, the description of the land or lot he has purchased, for what year taxed, or specially assessed, and when the time of redemption will expire. If no person is in possession or occupancy of such land or lot, and the person in whose name the same was taxed or assessed, upon diligent inquiry cannot be found in the County, then such person or assignee shall publish such notice in some newspaper of general circulation in said County in which said land or lot is situated, which notice shall be inserted three times—the first time not more than three months and the last time not more than one month before the time of redemption shall expire; provided however, that if the owners of said land or lots, or the parties interested therein, cannot be found in the County, and the person in actual occupancy is tenant to or is in possession under the owner or party interested therein, then service of said notice upon such tenant shall be deemed service upon the owner or party interested; and provided further, that if the owners, or parties interested, are unknown to such purchaser or his assignee, then said publication, as to them, may be to the unknown owner or parties interested. (March 15, 1893, Sec. 127. In effect immediately.)

Proviso.

SEC. 124. Every such purchaser or assignee, by himself or agent, shall, before he shall be entitled to a deed, make an affidavit of his having complied with the conditions of the foregoing section, stating particularly the facts relied on as such compliance, which affidavit shall be delivered to the County Treasurer, and which shall by him be filed and carefully preserved with the records of his office, and which record or affidavit shall be prima facie evidence that such notice has been given. Any person swearing falsely in such affidavit shall be deemed guilty of perjury, and upon conviction thereof shall be punished accordingly. (March 15, 1893, Sec. 128. In effect immediately.)

Purchaser to make affidavit that he has complied with conditions.

SEC. 125. In case any person shall be compelled to publish such notice in a newspaper, then, before any person who may have a right to redeem such lands or lots from sale shall be permitted to redeem, he shall pay to the officer who by law is authorized to receive such redemption money the amount paid for publishing such notice for the use of the person compelled to publish such notice, as aforesaid; the fee for such publication shall not exceed \$1.00 for the first

Fee for publication.

tract or lot contained in such notice and 25 cents for each additional tract or lot. The fact of publication shall be established by affidavit of the publisher. (March 15, 1893, Sec. 129. In effect immediately.)

County Treasurer to execute deed of conveyance

SEC. 126. At any time after the expiration of three years from the date of sale of any real estate for taxes or assessments, penalties, interest and costs, if the same shall not have been redeemed, the County Treasurer, on request and on the production of the certificate of purchase, and upon compliance with the three preceding sections, shall execute and deliver under his hand and seal to the purchaser, his heirs or assigns, a deed of conveyance for the real estate described in such certificate. (March 23, 1895, Sec. 26. In effect immediately.)

SEC. 127. When any person shall hold more than one certificate of purchase at the same sale and for the same year's tax or assessment the Treasurer shall, on the request of the holder of such certificates, include as many tracts or lots described therein in the deed of conveyance as such person may desire, and for which deed the County Treasurer shall have and receive, for the benefit of the County, a fee of fifty cents for each certificate embraced therein; provided, that no greater fee than five dollars shall be charged upon any one deed. The deed so made by the County Treasurer, under the official seal of his office, shall be recorded in the same manner as other conveyances of real estate, and shall vest in the grantee, his heirs and assigns entitled to the property therein described, without further acknowledgment or evidence of such conveyance, and said evidence shall be substantially in the following form:

STATE OF WASHINGTON,)
COUNTY OF ———,)

Form of deed.

Whereas, at a public sale of real estate for the non-payment of taxes, penalty, interest and costs made in the County aforesaid on the ——— day of ———, 189—, the following described real estate was sold, to-wit: (here place description of real estate conveyed); and, whereas, the same not having been redeemed from said sale, and it appearing that the holder of the said certificate of purchase of said real estate has complied with the laws of the State of Washington necessary to entitle (insert him, her or them) to a deed for said real estate: Now, therefore, know ye that I, ———, County Treasurer of said County of ———, in

consideration of the premises and by virtue of the statutes of the State of Washington, in such cases provided, do hereby grant and convey unto ———, his heirs and assigns, forever, the said real estate hereinbefore described, subject, however, to any redemption provided by law.

Given under my hand and seal of office this ——— day of ———, A. D. 18—.

—————, County Treasurer.

(March 15, 1893, Sec. 131. In effect immediately.)

SEC. 128. Deeds executed by the County Treasurer, as aforesaid, shall be prima facie evidence in all controversies and suits in relation to the right of the purchaser, his heirs and assigns, to the real estate thereby conveyed of the following facts: First: That the real estate conveyed was subject to taxation at the time the same was assessed, and had been listed and assessed in the time and manner required by law. Second: That the taxes or assessments were not paid at any time before the sale. Third: That the real estate conveyed had not been redeemed from the sale at the date of the deed. Fourth: That the real estate was advertised for sale in the manner and for the length of time required by law. Fifth: That the real estate was sold for taxes, assessments, penalties and costs, as stated in the deed. Sixth: That the grantee in the deed was the purchaser, or assignee of the purchaser. Seventh: That the sale was conducted in the manner required by law. And any judgment for the sale of real estate for delinquent taxes rendered after the passage of this act, except as otherwise provided in this section, shall estop all parties from raising any objections thereto, or to a tax title based thereon, which existed at or before the rendition of such judgment, and could have been presented as a defense to the application for such judgment in the court wherein the same was rendered, and as to all such questions the judgment itself shall be conclusive evidence of its regularity and validity in all collateral proceedings, except in cases where the tax or assessments have been paid, or the real estate was not liable to the tax or assessments. (March 15, 1893, Sec. 132. In effect immediately.)

Deeds executed by County Treasurer to be prima facie evidence of right of purchaser.

SEC. 129. Unless the holder of the certificate for real estate purchased at any tax sale under this act takes out a deed as entitled by law, and files the same for record within one year from and after the time he is entitled to such deed, the said certificate or deed, and the sale on which it is based,

Deed and sale to be null if not filed for record in one year's time.

shall, from and after the expiration of such one year, be absolutely null. If the holder of such certificate shall be prevented from obtaining such deed by injunction, or order of any court, or by the refusal of the Treasurer to execute the same, the time he is so prevented shall be excluded from the computation of such time. Certificates of purchase and deeds executed by the County Treasurer shall recite the qualification required in this section. (March 15, 1893, Sec. 133. In effect immediately.)

Redemption
of forfeiture.

SEC. 130. If any person shall desire to redeem, or purchase, any tract of land or lot forfeited to the County, he shall apply to the County Treasurer who shall receive from such person the amount due on said tract or lot, together with the penalty, interest and costs on all taxes heretofore forfeited, and shall give such person a duplicate receipt therefor, setting forth a description of the property and the amount received, which receipt shall be evidence of the redemption or sale of the property therein described, as the case may be. In case of sales the County Treasurer shall make the receipt in the form of a certificate of purchase, in the same manner as though said property had been bid off at the regular sale for delinquent taxes. Property purchased under this section shall be subject to redemption notice, etc., as if sold at regular public tax sale. (March 15, 1893, Sec. 134. In effect immediately.)

County Treas-
urer author-
ized to adver-
tise and sell
property for
delinquent
taxes.

SEC. 131. The Treasurer shall, each year, upon receiving the tax roll from the County Auditor, enter against each tract of land or Town lot sold for taxes and remaining unredeemed, and on which tax deed has not issued, and against each tract of land or lot theretofore forfeited to the County for unpaid taxes, in columns for that purpose, the year for which said tracts or lots or portions thereof were sold or unpaid, and the said statement shall be noted on each tax receipt, together with all subsequent taxes paid by holder of tax sale certificate, issued after the date of any tax sale, and the amount thereof shall be collected and paid over in like manner as other taxes. The County Treasurer is hereby authorized to advertise and sell said property on which taxes become delinquent, in the manner hereinbefore required by this act as if said property had never been sold or forfeited to the County, and the County may, by its agent, attend such sale for taxes and buy said lands and acquire the same rights that individuals now have under the law; and acquire, hold, sell and dispose of said title thereto the same

as and in the same manner as individuals may do under the laws of this State, in case of sale for taxes. Said sales shall be continued from year to year until the taxes on said property are paid, by sale or otherwise; provided, that any person purchasing property at tax sale which has heretofore been forfeited to the County for unpaid taxes prior to said sale shall, before receiving the certificate of sale of such property, pay or cause to be paid to the County Treasurer all unpaid taxes, together with all penalties, interest and costs to date due to said County, and such amount so paid shall constitute a lien on said property, and the purchaser paying such delinquent taxes shall, upon redemption thereof, be entitled to receive the same, and the County Treasurer shall, in case of redemption collect for the benefit of such purchaser the amount so paid by him, with interest at the rate of twelve per cent. per annum. (March 23, 1895, Sec. 27. In effect immediately.)

Proviso.

SEC. 132. All lots, tracts and parcels of land heretofore forfeited or sold to Counties for delinquent taxes due and remaining unpaid at the date of the approval of this act, or for the collection of which suit has been instituted, but no judgment ordering such property sold for said taxes has been rendered, as shown by the registers of unpaid taxes now on file in the office of the several County Treasurers of the State, shall be deemed to be registered under the provisions of this act, and suit to enforce the payment of such unpaid taxes, together with penalty, interests and costs, may be instituted, and payment enforced under and by virtue of the provisions of this act as follows: Suit to collect the unpaid taxes of 1890 and previous years may be instituted at any time subsequent to the passage and approval of this act, on order of the Board of County Commissioners, and when so ordered shall be instituted and enforced under the provisions of this act. Suit to collect the unpaid taxes of 1891 shall be instituted in 1891 at the time and in the manner specified in this act, and all subsequent taxes remaining unpaid shall be collected under the provisions herein set forth. (March 15, 1893, Sec. 136. In effect immediately.)

Manner of procedure to collect the unpaid taxes of 1890 and 1891.

SEC. 133. All acts and parts of acts heretofore enacted by the Legislature of the Territory or State of Washington providing for the assessment and collection of taxes in this State shall be and the same are hereby repealed. (March 15, 1893, Sec. 137. In effect immediately.)

PENALTY AND INTEREST ON STATE, COUNTY AND
MUNICIPAL TAXES.

AN ACT relating to penalty and interest on State, County and municipal taxes which became due and payable in the years 1893 and 1894, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. All of the penalty and accrued interest shall be remitted on all delinquent State, County and municipal taxes which became due and payable in the years 1893 and 1894, and which shall be paid on or before the first day of July, 1895, and the proper officer shall receive the net amount of such taxes in full satisfaction thereof.

SEC. 2. All of the penalty and one-half of the accrued interest shall be remitted on all delinquent State, County and municipal taxes which became due and payable in the years 1893 and 1894, and which shall be paid after the first day of July, 1895, and on or before the first day of December, 1895, and the proper officer shall receive in full satisfaction of such taxes the net amount thereof, together with interest thereon at the rate of ten per cent per annum from the date when the same became delinquent to the date of payment.

SEC. 3 One-half of the penalty and two-fifths of the accrued interest shall be remitted on all State, County and municipal taxes which became due and payable in the years 1893 and 1894, and which shall remain unpaid after the first day of December, 1895, and the proper officer shall receive in full satisfaction of such taxes the net amount thereof, together with a penalty of two and one-half per cent. thereon, and together with interest thereon at the rate of twelve per cent. per annum from the date when the same became delinquent to the date of payment.

SEC. 4. The delinquent tax lists shall be published during the month of April, 1896, and where any contracts have been made for the publication of delinquent tax lists prior to such date under existing laws, said contracts shall be extended to cover the publication herein required to be made.

SEC. 5. That, whereas, great financial stringency

exists, and many citizens are unable to pay their taxes, with the large penalty and interest accrued thereon under the existing laws, an emergency is declared to exist, and this act shall take effect and be in force immediately.

Approved March 8, 1895.

LAWS 1890, P. 294.

APPROPRIATION OF LANDS BY CORPORATIONS: TO REGULATE PROCEEDINGS FOR.

AN ACT to regulate the mode of proceeding to appropriate lands, real estate and property by corporations for corporate purposes and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any corporation authorized by law to appropriate land, real estate, premises or other property for right of way or any other corporate purposes, may present to the Superior court of the County in which any land, real estate, premises or other property sought to be appropriated shall be situated or to the judge of such Superior court in any County where he has jurisdiction or is holding court, a Petition to Superior court. petition in which the land, real estate, premises or other property sought to be appropriated, shall be described with reasonable certainty and setting forth the name of each and every owner, incumbrancer or other person or party interested in the same, or any part thereof so far as the same can be ascertained from the public records; the object for which the lands is sought to be appropriated and praying that a jury be empanelled to ascertain and determine the compensation to be made in money irrespective of any benefit from any improvement proposed by such corporation to such owner or owners respectively and to all tenants, incumbrancers or any others interested for the taking or injuriously affecting such lands, real estate, premises or other property, or in case a jury be waived as in other civil cases in courts of record in the manner prescribed by law, then that the compensation to be made as aforesaid be ascertained and determined by the court, or judge thereof.

Notice must
served.

SEC. 2. A notice stating briefly the objects of the petition and containing a description of the land, real estate, premises or property sought to be appropriated and stating the time and place when and where the same will be presented to the court or the judge thereof shall be served on each and every person named therein as owner, incumbrancer, tenant or otherwise interested therein at least ten days previous to the time designated in such notice for the presentation of such petition. Such service shall be made by delivering a copy of such notice to each of the persons or parties so named therein, if a resident of the State; or in case of the absence of such person or party from his or her usual place of abode by leaving a copy of such notice at his or her usual place of abode; or in case of a foreign corporation at its principal place of business in this State, with some person of more than sixteen years of age. In case of domestic corporations such service shall be made upon the president, secretary or other director or trustee of such corporation. In case of minors or their guardians or in case no guardian shall have been appointed, then on the person who has the care and custody of such minor; in case of idiots, lunatics or distracted persons, on their guardian, or in case no guardian shall have been appointed then on the person in whose care or charge they are found. In case the land, real estate premises or other property sought to be appropriated is State, school or County land, the notice shall be served on the Auditor of the County in which the land, real estate premises or other property sought to be appropriated is situated. In all cases where the owner or person claiming an interest in such real or other property is a non-resident of this State, or where the residence of such person is unknown, and an affidavit of the agent or attorney of the corporation shall be filed that such owner or person is a non-resident of this State or that after diligent inquiry his residence is unknown or cannot be ascertained by such deponent, service may be made by publication thereof in any newspaper published in the County where such lands are situated once a week for two successive weeks and in case no newspaper is published in said County, then such publication may be had in a newspaper published in a County nearest to the County in which lies the land sought to be appropriated. And such publication shall be deemed service upon each of such non-resident person or persons whose residence is unknown. Such notice shall be

Non resident
owners.

Service by
publication.

signed by the president, manager, secretary or attorney of the corporation ; and in case the proceedings provided for in this act or instituted by the owner or any other person or party interested in the land, real estate or other property sought to be appropriated, then such notice shall be signed by such owner, person or party interested, or his, her or its attorney. Such notice may be served by any competent person over twenty-one years of age. Due proof of the service of such notice by affidavit of the person serving the same or by the printer's affidavit of publication shall be filed with the Clerk of such Superior court before or at the time of the presentation of such petition. Want of service of such notice shall render the subsequent proceedings void as to the person not served, but all persons or parties having been served with notice as herein provided, either by publication or otherwise shall be bound by the subsequent proceedings. In all other cases not otherwise provided for, service of notices, orders and other papers in the proceedings authorized by this act, may be made as the Superior court or the judge thereof may direct.

Proof of service.

SEC. 3. The court or judge may, upon application of the petitioner or of any owner or party interested for reasonable cause adjourn the proceedings from time to time, and may order new or further notice to be given to any party whose interest may be affected.

Powers of court.

SEC. 4. At the time and place appointed for hearing said petition or to which the same may have been adjourned if the court or judge thereof shall have satisfactory proof that all parties interested in the land, real estate, premises or other property described in said petition have been duly served with said notice as above described, and shall be further satisfied by competent proof that the contemplated use for which such land, real estate, premises or other property sought to be appropriated is really a public use, and that the public interest requires the prosecution of such enterprise and that the land, real estate, premises or other property so sought to be appropriated are required and necessary for the purposes of such enterprise, the court or judge thereof may make an order to be recorded in the minutes of said court, directing the Sheriff to summon from the citizens of the County in which any land, real estate, premises or other property sought to be appropriated shall be situated, as many qualified persons as may be necessary in order to form a jury of twelve persons, unless the parties

Jury.

to the proceedings consent to a less number (such number to be not less than three) and such consent shall be entered by the Clerk in the minutes of the trial. If necessary to complete the jury the Sheriff, under the direction of the court or judge thereof, shall summon as many qualified persons as may be required to complete the jury from the bystanders, citizens of the County where the land, real estate, premises or other property is situated.

Separate assessment for each owner.

Judgment for damages.

SEC. 5. A judge of the Superior court shall preside at the trial which shall be held at such time as the court or the judge thereof may direct at the court house in the County where the land, real estate, premises or other property sought to be appropriated is situated, and the jurors at such trial shall make in each case a separate assessment of damages¹ which shall result to any person, corporation or company, or to the State or to any County by reason of the appropriation and use of such land, real estate, premises or other property by such corporation as aforesaid for any and all corporate purposes, and shall ascertain, determine and award the amount of damages to be paid to said owner or owners respectively and to all tenants, incumbrancers and others interested for the taking or injuriously affecting such land, real estate, premises or other property for the purpose of such enterprise, irrespective of any benefit from any improvement proposed by such corporation. Upon the trial witnesses may be examined on behalf of either party to the proceedings as in civil actions; and a witness served with a subpoena in such proceedings shall be punished for failure to appear at such trial or for perjury, as upon a trial of a civil action. Upon a verdict of a jury judgment shall be entered for the amount of the damages awarded to such owner or owners respectively, and to all tenants, incumbrancers and others interested for the taking or injuriously affecting such land, real estate, premises or other property. In case a jury is waived as in civil cases in courts of record in the manner prescribed by law, the compensation to be paid for the property sought to be appropriated shall be ascertained and determined by the court or judge thereof, and the proceedings shall be the same as in trials of an issue of fact by the court.

SEC. 6. At the time of rendering judgment for damages, whether upon default or trial, the court or judge

¹ As to evidence of values see *Seattle M. & Ry. Co. v. Murphine*, 4 Wash. 148; *Seattle M. & Ry. Co. v. Gilchrist*, 4 Wash., 50.

thereof shall also enter a judgment or decree of appropriation of the land, real estate, premises, right of way or other property sought to be appropriated, thereby vesting the legal title to the same in the corporation seeking to appropriate such land, real estate, premises, right of way or other property for corporate purposes. Whenever said judgment or decree of appropriation shall affect lands, real estate or other premises, a certified copy of such judgment or decree of appropriation may be filed for record in the office of the Auditor of the County where the said land, real estate or other premises are situated, and shall be recorded by said Auditor like a deed of real estate and with like effect. If the title to said land, real estate, premises or other property attempted to be acquired is found to be defective from any cause, the corporation may again institute proceedings to acquire the same as in this act provided.

SEC. 7. Upon the entry of judgment upon the verdict of a jury or the decision of the court or judge thereof, awarding damages as hereinbefore prescribed, the petitioner or any officer of, or any person duly appointed by said corporation may make payment of the damages assessed to the parties, entitled to the same, and of the costs of the proceedings, by depositing the same with the Clerk of said Superior court to be paid out under the direction of the court or judge thereof; and upon making such payment into the court of the damages assessed and allowed, and of the costs to any land, real estate, premises or other property mentioned in said petition, such corporation shall be released and discharged from any and all further liability therefor, unless upon appeal the owner or other person or party interested shall recover a greater amount of damages; and in that case only for the amount in excess of the sum paid into said court, and the costs of appeal. Provided, that in case of an appeal to the Supreme court of the State by any party to the proceedings, the money so paid into the Superior court by such corporation as aforesaid, shall remain in the custody of said court until the final determination of the proceedings by the said Supreme court.

Payment of
damages.

SEC. 8. Any person, corporation, State or County claiming to be entitled to any money paid into court as provided in this act may apply to the court therefor, and and upon furnishing evidence satisfactory to the court that he or it is entitled to the same, the court shall make an order directing the payment to such claimant the portion of

such money as he or it shall be found entitled to; but if upon application the court or judge thereof shall decide that the title to the land, real estate, premises or other property specified in the application of such claimant was in such condition as to require that an action be commenced to determine the conflicting claims thereto he shall refuse such order until such action is commenced and the conflicting claims to such land, real estate, premises or other property be determined according to law.

Bond of corporation.

SEC. 9. Either party may¹ appeal from the judgment for damages entered in the Superior court to the Supreme court of the State within thirty days after the entry of judgment as aforesaid, and such appeal shall bring before the Supreme court the propriety and justness of the amount of damages in respect to the parties to the appeal; provided, however, that no bond shall be required of any person interested in the property sought to be appropriated by such corporation, but in case the corporation appropriating such land, real estate, premises or other property, is appellant, it shall give a bond like that prescribed in the next following section to be executed, filed and approved in the same manner; and, provided further, that if the owner of the land, real estate, premises or other property, accepts the sum awarded by the jury, the court or the judge thereof, he shall be deemed thereby to have waived conclusively an appeal to the Supreme court, and final judgment by default may be rendered in the Superior court as in other cases.

In case of proper bond corporation not delayed.

SEC. 10. The construction of any railway or canal, or the prosecution of any works or improvements, by any corporation as aforesaid, shall not be hindered, delayed or prevented by the prosecution of the appeal of any party to the proceedings; provided, the corporation aforesaid shall execute and file with the clerk of the court in which the appeal is pending, a bond to be approved by said clerk with sufficient sureties, conditioned that the persons executing the same shall pay whatever amount may be required by the judgment of the court therein, and abide any rule or order of the court in relation to the matter in controversy.

SEC. 11. No rights acquired in actions now pending under existing laws shall be affected by anything herein contained, and as to all pending actions, such laws are con-

¹ Seattle & M. Ry. Co. v. O'Meara, 4 Wash., 17.

tinued in full force and effect. Except as provided in this section all laws and parts of laws relating to the appropriation of lands and other property by corporations for corporate purposes are hereby repealed.

SEC. 12. Any railroad company whose right of way passes through any canon, pass or defile shall not prevent any other railroad company from the use and occupancy of said canon, pass or defile for the purpose of its road in common with the road first located, or the crossing of other railroads at grade, and any railroad company authorized by law to appropriate land, real estate, premises or other property for right of way, or any other corporate purpose, may present a petition in the manner and form herein provided for the appropriation of a right of way through any canon, pass or defile for the purpose of its road where right of way has already been located, condemned or located by some other railroad company through such canon, pass or defile for the purposes of its road, and thereupon like proceedings shall be had upon such petition as herein provided in other cases; and at the time of rendering judgment for damages, whether upon default or trial, the court or judge thereof shall enter a judgment or decree authorizing said railroad company to occupy and use said right of way, road-bed and track, if necessary, in common with the railroad company or companies already occupying or owning the same, and defining the terms and conditions upon which the same shall be so occupied and used in common.¹

CHAPTER LXII, LAWS OF 1893, P. 135.

RIGHT OF EMINENT DOMAIN BY MUNICIPAL CORPORATIONS
OTHER THAN CITIES OF THE FIRST-CLASS.

AN ACT giving the power and regulating the mode of procedure to acquire, take or damage private property by municipal corporations except Cities of the first-class, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Municipal corporations, except Cities of the first-class are hereby empowered and authorized to ac-

¹ See following act.

quire, condemn, take or damage private property for public corporate uses, and for such purpose may proceed to acquire, take or damage the same in the manner provided by chapter nine of the laws of 1890, relating to "appropriations of lands by corporations, to regulate proceedings for," entitled "An Act to regulate the mode of proceeding to appropriate lands, real estate or property by corporations for corporate purposes and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act, and declaring an emergency "

SEC. 2. All laws in conflict with this act are hereby repealed

Approved March 8, 1893.¹

CHAPTER XCV, LAWS OF 1893, P. 226.

PROVIDING FOR RE-ASSESSMENT OF COSTS OF LOCAL IMPROVEMENTS IN CITIES AND TOWNS.

AN ACT relating to and authorizing the collection of assessments for local improvements by a new assessment or re-assessment of the cost and expense of making the same in Cities and Towns and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That whenever an assessment for laying out, establishing, closing, straightening, altering, widening, grading, re-grading, paving, re-paving, planking, re-planking, sidewalking and bridging, macadamizing, re-macadamizing, re-graveling, piling, re-piling, capping, re-capping any street, avenue or alley or for any local improvement which has heretofore been made or which may hereafter be made by any City or Town has been or may be hereafter declared void, and its enforcement under the charter or laws governing such City or Town refused by the courts of this State or for any cause whatever has been heretofore or may be hereafter set aside, annulled or declared void by any court, either directly or by virtue of any decision of said court, the Council of such City or Town shall by ordinance order and make a new assessment or re-assessment upon the lots, blocks or parcels of land which have been or will be benefited by such

Shall make a
new assess-
ment.

¹ Preceding act.

local improvements, to the extent of their proportionate part of the expense thereof, and in case the cost shall exceed the actual value of such local improvement the new assessment or re-assessment shall be for and based upon the actual value of the same at the time of its completion; and to this end the board of public works or other proper authority of such City or Town shall make a new assessment roll in equitable manner with reference to the benefits received, as near as may be in accordance with the law in force at the time such re-assessment is made, and when the same shall have been confirmed and approved by the Council it shall be enforced and collected in the same manner that other assessments for local improvements are enforced and collected under the charter or laws governing such City or Town; but all proceedings relative to making the expense of local improvements chargeable upon property benefited thereby required and provided by the charter and laws of such City or Town prior to the making of original assessment roll shall not be included nor required within the purpose of this act.

SEC. 2. The City Council of such City or Town shall by ordinance order and make a new assessment or re-assessment as provided in preceding section, upon the lots, blocks or parcels of land, which have been or will be benefited by such improvement to the extent of their proportionate part of the cost, expense and value thereof.

SEC. 3. Upon the passage of an ordinance, as hereinbefore provided, the board of public works, or other proper authority of such City or Town, shall make out an assessment roll according to the provisions of the said ordinance, and shall certify the same to the Council of such City or Town.

SEC. 4. Upon receiving the said assessment roll, the Clerk of such City or Town shall give notice by three (3) successive publications in the official newspaper of such City or Town that such assessment roll is on file in his office, the date of filing the same, and said notice shall state a time at which the Council will hear and consider objections to said assessment roll by the parties aggrieved by such assessment. The owner or owners of any property which is assessed in such assessment roll, whether named or not in such roll, may within ten (10) days from the last publication provided herein, file with the Clerk his objections in writing to said assessment.

Notice.

Council to
hear and de-
termine all
objections.

SEC. 5. At the time appointed for hearing objections to such assessment, the Council shall hear and determine all objections which have been filed by any party interested to the regularity of the proceedings in making such re-assessment and to the correctness of the amount of such re-assessment, or of the amount levied on any particular lot or parcel of land, and the Council shall have the power to adjourn such hearing from time to time, and shall have power in their discretion to revise, correct, confirm or set aside, and to order that such re-assessment be made *de novo*, and such Council shall pass an order approving and confirming said proceedings and said re-assessment as corrected by them and their decision and order shall be a final determination of the regularity, validity and correctness of said re-assessment to the amount thereof, levied on each lot or parcel of land. If the Council of any such City consists of two houses the hearing shall be had before a joint session, but the ordinance approving and confirming the re-assessment shall be passed in the same manner as other ordinances.

SEC. 6. The fact that the contract has been let, or that such improvement shall have been made and completed, in whole or in part, shall not prevent such assessment from being made, nor shall the omission, failure or neglect of any officer or officers to comply with the provisions of the charter or laws governing such City or Town as to petition, notice, resolution to improve, estimate survey diagram, manner of letting contract or execution of work, or any other matter whatsoever connected with the improvement and the first assessment thereof, operate to invalidate or in any way affect the making of the new assessment or re-assessment as provided for by this act, charging the property benefited with the expense thereof; provided, that such new assessment shall be for an amount which shall not exceed the actual cost and value of the improvement, together with any interest that shall have lawfully accrued thereon, and that such amount be equitably apportioned upon the property benefited thereby according to the provisions of the charter or laws of such City or Town.

It being the true intent and meaning of this act to make the cost and expense of all local improvements payable by the real estate benefited by such improvement by making a re-assessment therefor, notwithstanding that the proceed-

ings of the Common Council or board of public works or any of its officers, may be found irregular or defective, whether jurisdictional or otherwise; when such re-assessment is completed all sums paid on the former attempted assessment shall be credited to the property on account of which the same was paid.

SEC. 7. In all cases where the Treasurer, City or Town authorities, shall be unable to enforce the collection of any special assessment, by reason of irregularity or omission in any proceedings subsequent to the confirmation of such assessment, the Council is authorized and empowered to cause a new warrant or order to issue to the Treasurer, or other proper officers, for the collection of any assessment which by reason of such irregularity or omission remains unpaid and not collected. The Treasurer, or other proper officer, shall proceed, under such new warrant or order, to enforce and collect the assessments therein specified in the same manner, as near as may be, as is prescribed by the provisions of this act for the enforcement and collection of special assessments after the same shall have been confirmed as in this act provided, and as often as any failure shall occur by reason of such irregularities or omissions a new warrant or order may issue and new proceedings be had in like manner until such special assessment shall be fully collected as to each and every lot or parcel of land charged therewith.

New proceedings for enforcement.

SEC. 8. Any person who has filed objections to such new assessment or re-assessment, as hereinbefore provided, shall have the right to appeal to the Superior court of this State and County in which such City or Town may be situated.

Rights of appeal.

SEC. 9. Such appeal shall be made by filing a written notice of appeal with the Clerk of such City or Town within ten (10) days after such new assessment or re-assessment roll shall have been approved and confirmed by the Council and said notice, shall describe the property and the objections of such appellant to such assessment and such appellant shall also file with the clerk of the Superior court aforesaid within twenty (20) days from the approval and confirmation of such roll by the Council a copy of said notice appeal re-assessment roll and proceedings thereon, certified by the Clerk of such City or Town, together with a bond to such City or Town conditioned to pay all costs that

Manner of taking appeal.

may be awarded against the appellant in such sum not less than two hundred (\$200) dollars and with such security as shall be approved by a judge of said court, and the case shall be docketed by the Clerk of such court in the name of the person taking such appeal against said City or Town as an "appeal from assessments." Said cause shall then be at issue and shall have preference over all civil cases pending in said court except proceedings under the act relating to eminent domain by Cities and Towns, actions of forcible entry and detainer. Such appeal shall be tried in said court as in the case of equitable causes except that no pleadings shall be necessary. The judgment of the court shall be either to confirm, modify or annul the assessment in so far as the same affects the property of the appellant from which judgment an appeal lie to the Supreme court as in other causes. In case the assessment is confirmed the fees of the clerk of the City or Town for copies of the record shall be taxed against appellant with other costs.

Concurrent
remedy.

SEC. 10. This act shall not be construed as repealing the provisions now existing in any City charter for the making of new assessments or re-assessments but shall be considered as providing a concurrent remedy in such cases. And any City whose charter provides for any such new assessment or re-assessment may proceed either under such charter provisions or under this act.

SEC. 11. That the City Council of any City which is composed of two or more Cities which have been or may hereafter be consolidated as provided by law, shall have power to make and pass all necessary ordinances, orders and resolutions for such new assessment or re-assessment where the improvement for which an alleged assessment has been made by any such former Cities prior to the consolidation thereof into one City, and to fully carry out and enforce the provisions of this act.

Emergency.

SEC. 12. Whereas, the assessments for local improvements in Cities of this State have in several instances been set aside and declared void for irregularities, and no adequate law now exists for re-assessments; therefore an emergency is declared to exist, and this act shall take effect and be in force from and after its approval by the Governor.

CHAPTER XXVIII, LAWS OF 1895, P. 44.

TO VALIDATE CERTAIN INDEBTEDNESS.

AN ACT to enable Counties, Cities and Towns to validate certain warrants or other obligations and evidences of indebtedness on the part of such Counties, Cities and Towns, issued by the corporate authorities thereof in excess of their legal authority, and declaring an emergency to exist.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. Any County, City or Town in the State may ratify, in the manner prescribed in this act, the attempted incurring of any indebtedness of such County, City or Town, by the issuing of warrants, making of contracts or creations of other evidences of indebtedness on the part of such County, City or Town by the corporate authorities thereof at any time prior to the passage of this act, when the only ground of the invalidity of such indebtedness so to be ratified is that at the time of such attempted incurring thereof, the same, together with all other then existing indebtedness of such County, City or Town exceeded one and one-half per centum of the taxable property of such County, City or Town, ascertained by the last assessment for State and County purposes, previous to the attempted incurring of such indebtedness, except that in incorporated Cities the assessment shall be taken from the last assessment for City purposes, and that such indebtedness was so attempted to be incurred without the assent of three-fifths of the voters therein voting at an election held for that purpose.

Manner of
ratifying.

SEC. 2. Whenever the corporate authorities of any such County, City or Town shall deem it advisable that the ratification authorized by this act shall be obtained, they shall provide therefor by ordinance or resolution which shall specify separately the amount of each distinct class of such indebtedness so to be ratified, the date or period of the attempted incurring by the corporate authorities of each separate class thereof, and the general nature of the indebtedness comprised in each such distinct class, and shall provide for the holding of an election for that purpose, at which the attempted incurring of such indebtedness shall be submitted to the voters in such County, City or Town for ratification or approval, of which election notice to be

Election no-
tice of.

provided for in such ordinance or resolution, shall be given by publishing the same in a newspaper published in such County, City or Town once a week for at least four successive weeks, and if no newspaper is published in such City or Town, then by publishing such notice for the same period in a newspaper published in the County wherein such City or Town is situated, and of general circulation therein. Each distinct class of such indebtedness so specified shall be the subject of a distinct vote in favor of or against the ratification thereof, and such vote shall designate the class of indebtedness referred to by the description thereof used and the amount specified in the ordinance or resolution.

Three-fifths
vote to ratify.

SEC. 3. If at an election held as provided for in section two of this act, three-fifths of the voters in such County, City or Town voting at such election shall vote in favor of the ratification of any distinct class of such indebtedness specified in the ordinance or resolution providing for such election, then such indebtedness so ratified shall thereby become and is hereby declared to be validated and a binding obligation upon such County, City or Town, when the only ground of the previous invalidity of such indebtedness is that at the time of the incurring thereof so ratified the same, together with all other then existing indebtedness of such County, City or Town exceeded one and one-half per centum of the taxable property in such County, City or Town, ascertained by the last previous assessment for State and County purposes, (except that in incorporated Cities the assessment shall be taken from the last assessment for City purposes); provided, that neither anything in this act contained, nor the vote cast at any such election shall be deemed to validate or authorize any indebtedness, which, together with all other indebtedness of such County, City or Town existing at the time of the attempted incurring of the same, exceeded any constitutional limitation of indebtedness which might be incurred with the assent of three-fifths of the voters in such County, City or Town voting at an election to be held for that purpose; and provided further, that this act shall apply only to indebtedness attempted to be incurred prior to the passage hereof.

SEC. 4. The words corporate authorities used in this act shall be held to mean the legislative or managing body of any County, City or Town.

SEC. 5. Whereas, An emergency exists for the immediate taking effect of this law; therefore this act shall take effect immediately.¹

CHAPTER XCIII, LAWS 1895, P. 183.

REDUCING THE CORPORATE LIMITS OF ANY CITY, TOWN OR VILLAGE.

AN ACT to provide for reducing and lessening the corporate limits of any City, Town or Village in this State and declaring an emergency.

Be it enacted by the Legislature of the State of Washington:

SECTION 1. That the boundaries of any municipal corporation may be altered and a portion of the Territory thereof excluded therefrom after proceedings had as required in this act. Upon receiving a petition therefor signed by not less than one-fifth of the qualified electors thereof, as shown by the votes cast at the last municipal election held therein, praying the City Council or other legislative body to submit to the qualified electors of said corporation the proposition to change and alter the corporate limits of said City, Town or Village and to exclude a portion of the Territory therefrom, setting out and describing the Territory to be excluded therefrom together with the boundaries of the said corporation as it will exist after such change is made, the City Council or other legislative body of said corporation shall submit to the electors of said corporation the question whether such Territory shall be excluded from said corporation and be no longer a part thereof. Such question shall be submitted at a special election to be held for that purpose, and said legislative body shall give notice thereof by publication for at least four weeks prior to said election in some newspaper printed and published in said corporation. Such notice shall distinctly state the proposition to be submitted and shall designate specifically the Territory so proposed to be excluded and the boundary of said corporation after said alterations of its boundaries and the exclusion of the portion of the Territory therefrom; and the electors shall be invited thereby to vote upon such proposition by placing upon their ballots the words "for reduction

Boundaries
may be
changed.

Notice.

¹ In effect March 4, 1895.

Canvass of
votes.

of corporate limits" and "against reduction corporate limits" or words equal thereto; said legislative body shall also bound and designate in such notice the names of the officers of election and the place or places at which the polls will be opened for said election. Said legislative body shall meet on the Monday next succeeding such election and proceed to canvass the votes cast thereat. The votes cast in said corporation shall be canvassed, and if it shall appear upon said canvass that three-fifths of the voters voting at said election shall be for the reduction of the Territory, said legislative body shall by an order entered in their minutes, cause their clerk or other officer performing the duties of clerk to make and transmit to the Secretary of State a certified abstract of said vote, which abstract shall show the whole number of electors voting in said corporation, the number of votes cast for the reduction of Territory, and the number of votes cast against the reduction of Territory.

SEC. 2. The City Council or other legislative body of said corporation shall immediately after said abstract of votes has been filed with the Secretary of State cause to be introduced and passed an ordinance defining and fixing the corporate limits of said corporation as set out and defined in the petition and notice of election as referred to in section one of this act, and setting forth by metes and bounds or by legal sub-divisions the Territory excluded from said corporation and declaring said Territory no longer a part of said corporation.

Altered maps
shall be filed.

SEC. 3. That immediately after the passage, approval and publication of said ordinance a copy thereof, duly certified by the clerk of said corporation or other officer performing the duties of clerk, together with a map and plat showing the corporate limits of said corporation as altered and changed, shall be filed and recorded in the office of the County Auditor in the County in which said municipal corporation is situate. Thereafter the boundary of said corporation shall be as set forth in said ordinance.

SEC. 4. , No election provided for in this act shall be held within ninety days next preceding any general election held under the laws of the State of Washington, or of any general municipal election held under said laws or the ordinances of the corporation. Provided, that nothing herein shall be construed as to exempt any real property segregat-

ed by the provisions of this act from taxation for the purpose of paying any outstanding or bonded indebtedness of any such City, and the interest of any such indebtedness.

SEC. 5. There being no law or provision for the reduction of the corporate limits of municipal corporations in this State, an emergency is declared; therefore, this act shall take effect and be in force from and after its approval by the Governor.

CHAPTER CXIV, LAWS OF 1895, P. 270.

LIMITATION OF TIME FOR COMMENCEMENT OF ACTIONS
FOR COLLECTION OF SPECIAL ASSESSMENT
FOR LOCAL IMPROVEMENTS.

AN ACT prescribing the time within which actions may be brought by municipal corporations for the collection of special assessment for local improvements.

Be it enacted by the Legislature of the State of Washington :

SECTION 1. All actions by municipal corporations to collect any special assessment for local improvement of any kind against any person, corporation or property whatsoever, or to enforce any lien for any special assessment for local improvement of any kind shall be commenced within ten years after said assessment shall have become delinquent or due, and within ten years after the last installment of any such special assessment shall have become delinquent or due, when said special assessment is payable in installments.

SEC. 2. There being no law on the subject herein contained, providing for the limitation of actions herein provided for, an emergency is declared to exist, and this act shall be in force from and after its passage and approval by the Governor.

CHAPTER CXXXIV, LAWS OF 1895, P. 345.

PUBLIC LIBRARIES IN CITIES.

AN ACT authorizing the establishment of public libraries in Cities.

Be it enacted by the Legislature of the State of Washington:

Public library;
how estab-
lished.

SECTION 1. That whenever three or more resident tax payers of any City in this State having a population of five thousand or more people, that is, any City of the first, the second or the third class, or any City of like population existing under special legislative charter, shall present to the Mayor and Council of such City their petition in writing for the establishment of a public library in said City, together with their private agreement to donate to the City, within three months thereafter for the use of such library one thousand dollars in money or books, the said Council may appoint three reputable citizens of said City to act as directors of the public library, except where City charters otherwise provide for the organization and management of public libraries.

Directors to
receive dona-
tions.

SEC. 2. Said directors or authorities mentioned in City charter to manage public libraries, are authorized to receive from said petitions, and from any other persons, donations of money and books for the purpose specified in the preceding section, and to appraise said books, and when they have received said donations to the value of \$1,000, they shall report that fact to the Council, stating how much of the donation is in money.

To provide
room and li-
brarian.

SEC. 3. Thereupon it shall be the duty of the Council to provide, at the expense of the City until the beginning of the next fiscal year of the City, a suitable room and librarian for such public library.

Tax, how
levied.

SEC. 4. The City Council of every such City after the directors have made the report mentioned in the second section of this act, annually at the same time and in the same manner as other City taxes are levied, may levy a tax of not more than one-half mill on the dollar for the support of such library. The money so raised shall be kept as a separate fund to be known as the library fund, and shall be disbursed for library purposes only.

Warrants.

SEC. 5. It shall be the duty of the officers of the City, who are authorized by law to draw warrants upon the City

treasury, to draw upon the library fund such warrants as the directors or a majority of them, shall direct that no warrants be drawn against said library fund when there is no money therein.

SEC. 6. The three directors first appointed shall determine the length of their terms of office by lot, reporting the result thereof to the City Council. The term of one thereof shall expire at the same time as that of the Mayor in office at the time of their appointment, the term of a second shall expire one year later, and that of the third two years later than that of the first. Whenever a director's term of office shall expire, it shall be the duty of the Council to appoint his successor, who shall hold office for three years.

Term of directors.

SEC. 7. Every director before entering upon the duties of his office, shall file with the City Clerk a bond with sufficient sureties, to be approved by the Council, conditioned upon the faithful performance of the duties of his office. Such bond shall be in the penal sum of \$2,000, and shall be payable to the City. No director shall receive any compensation for his services.

Bond of directors.

SEC. 8. The directors of the public library shall have sole control of the library, and shall disburse the money belonging to the library fund. They shall, when the same are not furnished by the City, provide and furnish suitable rooms, and shall appoint all librarians and assistants, and fix their compensation. They shall attend to the selection, purchase and preservation of books and other property for the library, and may make rules for its government not in conflict with law. They shall, so far as the funds at their disposal shall warrant, keep the library open at reasonable hours throughout the year. They may direct warrants on the Treasurer to be drawn, and may expend all money belonging to the library fund, including the donations mentioned in the first and second sections of this act; provided, that if any money or funds be donated to the library, or to the City for it, upon condition that only the income thereof shall be used, the directors shall not expend any part of the principal thereof; but they may invest the principal under the direction and with the approval of the City Council; provided further, that the directors shall have no power to create any indebtedness against the City or the library. They shall on the last Monday preceding

Duties of directors.

the expiration of the term of a director, make an annual report to the Mayor and Council of the conditions and needs of the library, with a detailed statement of the receipts and expenditures during the year.

Free access
to library.

SEC. 9. All inhabitants of the City shall enjoy the use of the library without charge; provided, however, that the directors may exclude from the library rooms disorderly persons, persons who violate the rules established by the directors and persons of bad repute, and may require security for the care and return of books taken from the room.

CHAPTER CLII, LAWS OF 1895, P. 379.

RELATING TO PAYMENT OF WARRANTS.

AN ACT prescribing the duties of County Treasurers, and Treasurers of municipalities in regard to the payment of warrants and providing a penalty for the violation thereof.

Be it enacted by the Legislature of the State of Washington :

SECTION 1. Whenever the Treasurer of any County, City, Town or other municipality shall have in his hands, as such Treasurer the sum of five hundred dollars, belonging to any fund upon which warrants are outstanding, it shall be his duty to make a call for such warrants to that amount in the order of their issue, and he shall cause such call to be published in some newspaper printed or published in the County, City, Town or other municipality, as the case may be, in the first issue of such newspaper after such sum shall have been accumulated, and if there be no such newspaper, then such call shall be posted in three conspicuous places in such County, City, Town or other municipality, and such call shall describe by number the warrants so called, and specify the funds upon which the same were drawn; provided, that the Commissioners of any County or the Council or other governing body of any City, Town or other municipality may prescribe a less sum than five hundred dollars upon the accumulation of which such call shall be made as to any particular fund. And provided further, that if the warrant longest outstanding on any fund shall exceed the sum of five hundred dol-

lars or shall exceed the sum fixed by the County Commissioners or other governing board, then no call need be made for warrants on such fund until the amount due on such warrants shall have accumulated; And provided further, that no more than two calls shall be made by any Treasurer in any one month; and provided further, that it shall be the duty of any such Treasurer to pay on demand in the order of their issue any warrants when there shall be in the treasury sufficient funds applicable to such payment.

SEC. 2. Any such Treasurer who shall knowingly fail to call for or pay any warrant in accordance with the provisions of this act, shall be deemed guilty of a misdemeanor and on conviction thereof shall be fined not less than twenty-five dollars, nor more than five hundred dollars, and such conviction shall be sufficient cause for removal from office.

CITY ORDINANCES.

ORDINANCE NO. 1.

AN ORDINANCE ADOPTING A NAME AND PROVIDING A SEAL FOR THE
CITY OF WALLA WALLA.

The City of Walla Walla does ordain as follows:

SECTION 1. This City shall be named the City of Walla Walla.

SEC. 2. The corporate seal heretofore used by the said City under its former charter, is hereby adopted and declared the corporate seal of this City, and that the same shall be used to authenticate all acts of this corporation.

SEC. 3. The seal of the City shall be kept by the City Clerk, and by him affixed to all acts requiring to be so authenticated.

SEC. 4. This ordinance to be in force from and after its passage and publication.

Passed the Common Council, August 15, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 16, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 2.

AN ORDINANCE DEFINING OFFENSES AND FIXING THE PUNISHMENT
THEREOF.

The City of Walla Walla does ordain as follows:

SECTION 1. Any person who shall engage in, transact or carry on any business, trade or occupation, within the corporate limits of the City of Walla Walla, for which a license is required, by any ordinance, without having first obtained such license, shall, upon conviction thereof, before any Justice of the Peace in said City, be fined in any sum not less than the amount of such license nor more than one hundred dollars.

SEC. 2. No nuisance shall be caused, erected, established or suffered within the limits of said City. Every accumulation of filth or rubbish, throwing or placing any bottles, broken glass, iron hoops or any substance that may be liable to cause injury to person or property, or that shall cause offensive or unwholesome odors or smells, in any street or alley, or on any sidewalk, except such as may be temporarily permitted by the City Council, for the purpose of erecting buildings or making improvements; and every obstruction placed in the channel of Mill creek, or any act which may cause an overflow or divert the water of said creek from its natural channel, and whatever is indecent or offensive to the senses, or an obstruction to the free use of property, so as to essentially interfere with the enjoyment of life or property, within said City, shall be deemed a nuisance, and every person who shall cause or create a nuisance shall, on conviction thereof, be fined in any sum not less than five dollars nor more than one hundred dollars for every such offense. Every trade, business or occupation which shall cause or generate odors offensive to the senses or injurious to health; every privy or water closet which shall emit or give out offensive odors, every pit or vault over which a water closet shall have stood, which shall have been destroyed by fire or otherwise removed; every well which may be left open by fire, or which shall not be properly curbed, unless the same shall be within an enclosure, shall be deemed a nuisance under this ordinance, and every person who shall create or cause such nuisance or shall suffer such nuisance to exist or remain on property or premises owned, controlled or occupied by him or her,¹ shall, on conviction thereof, be fined in any sum not less than five nor more than fifty dollars for the first offense, and shall further be liable to a fine of ten dollars for each day that such nuisance shall remain thereafter.

SEC. 3. Every person who shall throw or discharge any manure, fecal or other offensive matter, except ordinary drainage, into the waters

¹ As amended by ordinance No. 102.

of Mill creek, or any other stream of water in said City, upon conviction thereof, shall be fined in any sum not less than five nor more than one hundred dollars for each and every such offense.

SEC. 4. No person shall place or throw any substance whatever into the water flumes running through Main street, or into any other covered flume in said City, unless by permission of the City Council, or in any manner obstruct the water running through such flume, and every person convicted thereof, shall be fined in any sum not less than ten nor more than fifty dollars for each offense.

SEC. 5. No person shall remove any covering from any water flume nor tap, nor divert any water from any flume in said City, without first obtaining the written consent of the City Council; and every person convicted thereof shall be fined in any sum not less than ten nor more than fifty dollars for each offense.

SEC. 6. Every person who shall keep any dancing house, drinking house, or other house or establishment, in a disorderly manner, or who shall suffer or permit any riotous or disorderly conduct in any house kept or controlled by him or her, to the disturbance or annoyance of any of the inhabitants of said City, shall upon conviction thereof, be fined in any sum not less than ten nor more than one hundred dollars for each offense.

SEC. 7. No person or persons shall run or race horses or mules, nor ride or drive any horse, or mule or ass, at a greater rate of speed than six miles an hour, nor in such a manner as to endanger person or property within the limits of said City; and every person convicted thereof shall be fined in any sum not less than five nor more than fifty dollars for each offense.

SEC. 8. No person shall ride, drive or lead any horse, mule, ass, ox or cow brute on any sidewalk in said City, or over any foot-bridge across Mill creek, nor obstruct any crosswalk in any street or alley, by stopping or standing any horse or wagon or other vehicle, across the same; and every person convicted thereof, shall be fined in any sum not less than five nor more than fifty dollars for each offense.

SEC. 9. No person shall discharge any fire arms within the corporate limits of said City, or in any angry or threatening manner draw or attempt to draw or exhibit in a crowd of two or more persons, any pistol, knife or dangerous or deadly weapon whatever, nor except in necessary self defense, engage in any fight, nor engage in any brawl, riot, tumultuous assembly or disturbance of the peace nor conduct himself in a disorderly manner, and every person convicted of violating this section shall be fined in any sum not exceeding one hundred dollars, and may also be imprisoned for any time not exceeding thirty days.

And the exhibiting, drawing or attempting to draw, in any angry or threatening manner in a crowd of two or more persons, any pistol or knife, or other dangerous or deadly weapons, shall also work a forfeiture of said weapons to the said City, which forfeiture shall be declared by the Justice of the Peace, and entered as part of the judgment and conviction, and such weapon shall be ordered by the Justice of the Peace, to be sold by the City Marshal at public auction to the highest bidder; one-fourth the proceeds of the same to go to the officer making the arrest, and the remainder to the City.

SEC. 10. No person shall indecently expose his person in any public place within the corporate limits of said City; and every person convicted thereof shall be fined in any sum not less than five nor more than twenty-five dollars for each offense.

SEC. 11. No person shall place upon, over or adjacent to any sidewalk within the City of Walla Walla any substance whatever, nor dig nor cause to be dug any hole therein, nor injure any sidewalk in any way, nor shall any person occupying any premises abutting any sidewalk in said City, suffer or permit the sidewalks adjacent to the premises occupied by him to become or remain obstructed as aforesaid, or any hole to remain therein or the same to be out of repair so as to endanger travelers; provided that posts on the curb of the sidewalk, not exceeding in diameter one foot, with lamps securely fixed thereto; awnings of light material securely fastened as much as eight feet above the sidewalk; goods and merchandise exhibited for signs not offensive to the senses nor dangerous to travel, nor placed in such a way as to obstruct the view to the signs and goods of occupants adjacent, and all goods in transit from and to the street, and all obstructions permitted to builders are not obstructions within the meaning of this section and are excepted out of the operation of the same. Any person violating this section shall be punished by a fine not exceeding twenty dollars and be liable to all damages any person may suffer by reason of such violation.

SEC. 12. Every person who shall be found lying on the street or any sidewalk, or other public grounds in said City, drunk or intoxicated, or who shall when being drunk or intoxicated, be incapable of taking care of himself or herself, or act in a disorderly manner, shall be arrested and held in custody until he or she become sober, and shall then be taken before a Justice of the Peace in said City, for hearing and trial, and if convicted shall be fined in any sum not exceeding twenty-five dollars.

SEC. 13. No person shall fail or refuse to assist at any fire, when called up on so to do by any foreman or assistant foreman of a fire com-

¹ As amended by Ordinance No. 165.

pany, Warden or City Marshal or policeman, unless such person shall be a physician engaged in the duties of his profession, or a person physically unable to render such assistance; and every person who shall so refuse or fail to render such assistance when so called upon, shall upon conviction thereof, be fined in any sum not less than five nor more than twenty-five dollars for each offense.

SEC. 14. No person shall knowingly or wilfully resist the City Marshal or any policeman, or other City office, when engaged in the discharge of the duties of his office, and every person so offending shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars, to which may be added imprisonment for any time not exceeding thirty days.

SEC. 15. No person shall hinder, prevent or obstruct any City officer having process in his hands for service, issued under or by virtue of any City ordinance, from making any arrest, nor aid or assist any person who shall have been arrested to make his escape, nor refuse to assist any such officer in making an arrest, when called upon so to do, or to render such assistance as may be necessary to hold any person in custody who shall have been arrested, unless there be actual danger of great bodily injury in rendering such assistance; and every person convicted of a violation of this section shall be fined in any sum not exceeding one hundred dollars.

SEC. 16. No person, unless by permission of the City Council, shall stock, store or deposit any hay, unthreshed grain or straw on any lot in said City unless the same be enclosed and under a wooden or other secure cover; and every person convicted thereof shall be fined in the sum of five dollars for the first offense, and ten dollars for the second offense, and five dollars for every day thereafter that the same shall so remain unenclosed or uncovered.

SEC. 17. No person shall make or cause any false alarm of fire either by ringing the fire bell, crying fire or otherwise; and every person convicted thereof shall be fined in any sum not less than five nor more than fifty dollars, or imprisonment for any time not exceeding five days.

SEC. 18. It shall be the duty of every person who shall be engaged in or carrying on the business of blacksmithing, assaying or any business where charcoal is burned in any forge, furnace or cupola to place a spark catcher to be approved by the fire warden, on the top of each chimney or flue used for the purpose; and every person who shall neglect to place such spark catcher on his chimney or flue for five days after being notified so to do by the City Marshal, or fire warden, shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars for each offense.

SEC. 19. Any person or persons who shall ride or drive any horse, mare, cow, steer or other animal across any of the bridges that cross Mill creek, and within the corporate limits of the City of Walla Walla, faster than a walk, on conviction thereof shall be liable to a fine of five dollars for each and every offense, and the City Marshal or any of his deputies, or any City policeman, is authorized and required to arrest all persons so offending, and take them before the Justice of the Peace for the City for trial; provided, however, that a painted sign has first been placed on said bridge, warning all persons of this penalty.

SEC. 20. Any person who shall leave any team of horses or mules, or any horse or mule attached to any kind of a vehicle, or any saddle horse or mule, within said City, without first securely hitching the same shall, upon conviction thereof, be fined in any sum not exceeding twenty dollars; and if any such team, horse or mule, not being securely fastened or hitched, shall run away and through any street or alley, or shall travel through any such street or alley at such rate of speed as shall endanger person or property, the owner or person having charge of such team, horse or mule, and failing or neglecting so to hitch or fasten the same, shall be fined in any sum not less than twenty nor more than fifty dollars.

SEC. 21. No person shall within the City limits, ignite, fire off, or explode any torpedo, fire-rocket, fire-cracker or other combustible material or substance, except on national holidays, and then by permission of the City Marshal only, and in his presence or in the presence of a policeman; and every person convicted thereof shall be fined in any sum not less than five nor more than twenty dollars for each offense.

SEC. 22. Any person who shall, within the corporate limits of said City, in a rude, angry or insolent manner, unlawfully touch, strike or beat another, shall be deemed guilty of an assault and battery, and on conviction thereof shall be fined in any sum not exceeding one hundred dollars.

SEC. 23. Every person who shall, within the corporate limits of said City, in a rude, angry or insolent manner, attempt unlawfully to strike or beat another, shall be deemed guilty of an assault, and on conviction thereof, shall be fined in any sum not exceeding fifty dollars.

SEC. 24. Any two or more persons who shall, by mutual consent or agreement, fight together in any public place in said City, shall be deemed guilty of an affray; and on conviction thereof, shall be fined any sum not exceeding fifty dollars.

SEC. 25. Every person who shall, in the night time, in said City, make any loud, unusual or alarming noise to the disturbance of the inhabitants of said City, shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars.

SEC. 26. Every owner, lessee, tenant, occupant or person having possession or control of any lands or premises within the limits of said City, who shall, knowingly or wilfully, suffer any Canada or Chinese thistles to grow or be thereon, or in any alley, street or public highway adjoining said lands or premises, and nearer thereto than the center of said alley, street or highway, or who being notified by the City Marshal of the existence of such thistles on or within said distance from his premises, shall refuse, fail or neglect to destroy the same by burning or otherwise, within three days after such notice, and every person who shall scatter or cause to be scattered any seeds of such thistles within said City limits shall be deemed guilty of an offense, and shall, on conviction thereof, be fined in any sum not exceeding ten dollars.

SEC. 27. No person shall carry any concealed weapons within the corporate limits of the City of Walla Walla, and any person convicted thereof shall be fined in any sum not less than five or more than twenty-five dollars; and such weapons shall be confiscated and forfeited, and it shall be the duty of the Marshal, his Deputies and the Policemen of the City, upon being satisfied, by verbal complaint or other information, that any person is carrying any weapon concealed upon his person, to arrest and search such person, and if any such weapon is found, to take the same and convey such person before a Justice of the Peace and make complaint against him, and upon his conviction, to sell such weapon at auction to the highest bidder, and pay the proceeds into such Justice's court. All sheath or bowie knives, pistols and pocket knives with blades more than four inches long, also all sling-shots, metal knuckles, clubs, sticks or other instruments, capable of inflicting great bodily injury, shall be deemed weapons within the meaning of this section when carried either wholly or partially concealed; provided, that this section shall not apply to the City Marshal, his Deputies, or Policemen, or City Watchmen, or private watchmen employed as such by private citizens, nor the Sheriff, Deputy Sheriff, or any Constable of Walla Walla County, or to any person temporarily sojourning in the City for a period of not exceeding five days' prior to the filing of the complaint, but in no case shall it be necessary to specify in the complaint that the accused does not belong to the excepted classes herein specified.

SEC. 28. Whenever any person is convicted of any offense under or against the laws or any ordinance of the City, or for a violation of any ordinance of said City, and a fine is assessed or adjudged against such person, the Justice of the Peace having jurisdiction of the cause shall also adjudge and enter up as a part of the judgment, that unless such fine, costs and expenses of prosecution, including City Attorney's fees, be immediately paid into court or secured as provided by ordinance, the defendant shall be committed to the City jail until the same be paid, or

the defendant otherwise discharged according to law; provided, that such fines, costs and expenses may be committed and discharged at the rate of three dollars per day for each day that such person may so remain in jail, but no part or portion thereof less than the whole can be so discharged. And the City Marshal is hereby empowered and required to work all persons so imprisoned on the public streets of the City, during the time they are so imprisoned, under the direction of the Street Commissioner.

SEC. 29. It shall be the duty of the City Marshal of said City to incarcerate and hold in custody in the City jail, any and every person who may be ordered or adjudged to be committed to said jail by the Justice of the Peace for said City, either as a penalty for any offense or for non-payment of any fine, costs and expenses, or either of them, and to hold such persons in custody in said jail until duly discharged according to law. And if the Marshal, his deputies, or any policeman of said City shall wilfully fail, neglect, or refuse to execute any writ of commitment duly issued, or any order in writing of such Justice of the Peace duly made, he shall be deemed guilty of neglect of official duty, and shall, upon conviction thereof, be fined in any sum not less than twenty-five nor more than one hundred dollars, and be held liable on his official bond.

SEC. 30. Whenever it shall be necessary for the Marshal or any policeman to abate any nuisance the owner or agent of the property whereon such nuisance exists shall be liable for all costs and expenses attending the removal or abatement thereof; and if the article or thing removed consists of personal property, such costs and expenses shall constitute and be a lien upon the same, and it may be sold by such officer at public auction, and the proceeds of such sale applied in satisfaction or part satisfaction, as the case may be, of such costs and expenses.

SEC. 31. Any and every term in this or any other City ordinance implying one only, when necessary to carry out the sense or spirit of such ordinance, shall be construed to mean two or more, and every term implying two or more shall be construed to mean but one, when such construction shall be necessary as aforesaid, except always when two or more are necessary to constitute an offense; and any term implying sex shall, when necessary, be construed to mean both or either sex.

SEC. 32. Any person who shall run any velocipede on the sidewalks of the City shall be fined in a sum not exceeding five dollars, and be imprisoned until such fine is paid.

SEC. 33. The Mayor, whenever in his opinion the interests of the City shall require it, or upon good cause shown, may upon such terms as he may think proper, pardon or commute any offense, and release

any person who may have been committed, for the violation of any City ordinance; and his order to that effect, signed by him, and countersigned by the Justice before whom such person was convicted, shall be sufficient authority to the jailer or any officer having such person in charge or custody, for such release, upon such terms as in such order shall be specified and provided.

SEC. 34. This ordinance shall be in force and take affect from and after its passage and publication.

Passed the Common Council August 15, 1878.

C. E. WHITNEY,
City Clerk,

Approved, August 16, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 4.

AN ORDINANCE DEFINING THE DUTIES OF JUSTICE OF THE PEACE FOR THE CITY.

The City of Walla Walla does Ordain as follows:

SECTION 1. The Justice of the Peace for the City shall be a conservator of the peace within the limits of the City, and shall have exclusive jurisdiction of complaints for the the violation of all City ordinances, and all suits on bail bonds in favor of the City, not exceeding one hundred dollars, and he shall have such other power and jurisdiction as may be conferred by law or ordinance.

SEC. 2. The Justice of the Peace of the City shall, before exercising any of the functions of his office as such, give a bond to the City in the penal sum of three hundred dollars, conditioned to the faithful discharge of his duties according to law, which bond shall be approved by the board of Common Council.

SEC. 3. The said justice must keep a proper account, in a book provided for the purpose, of all fines, costs or other moneys received by him when acting by or under the authority of the City charter, and must pay to the City Treasurer, monthly, all such moneys, and take duplicate receipts therefor, one of which he must file with the Clerk; he shall also make a monthly report of all cases heard by him in which the City is interested, and a semi-annual report at the first regular meeting of the Council in December and June of all cases heard by him, the fines therein, and what disposition was made thereof.

SEC. 4. Upon complaint made on oath before him charging any person with a violation of any City ordinance, he shall issue his warrant for the arrest of such person, unless they shall then be under arrest, directing it to the Marshal or any Deputy Marshal or policeman, and cause the person complained against to be brought before him for trial.

SEC. 5. This ordinance to be in force from and after its passage and publication.

Passed the Common Council, August 16, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 17, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 5.

AN ORDINANCE DEFINING THE DUTIES OF CITY MARSHAL.

The City of Walla Walla does Ordain as follows :

SECTION 1. The City Marshal shall, before entering upon the duties of his office, give a bond with two responsible sureties in the penal sum of one thousand dollars, for the faithful discharge of his duties according to law, and shall take and subscribe an official oath, which shall be endorsed upon his bond.

SEC. 2. In addition to the duties prescribed in the City charter, he shall be the keeper of the City jail, and whenever any person shall be in his custody under authority of law, he shall keep such person in confinement by committing them to jail or other safe custody as he may by lawful authority be directed at the expense of the City.

SEC. 3. It shall be his duty to arrest all persons whom he may see committing any crime within the limits of the City, or violating any City ordinance ; provided, that in all violation of civil law he shall first enter a complaint on oath before the Justice of the Peace for the City, and make such arrest by virtue of a warrant issued by the said justice. He shall also have power to arrest any person or persons whom he may hear using threatening, obscene or profane language, or see making hostile demonstrations towards any person, whereby the life or personal safety of such person may be jeopardized. And if it shall come to his knowledge that any two persons intend to commit a deadly assault on

each other, he shall have power to arrest any such person or persons and take them before the Justice of the Peace for the City, who may if he deem it necessary or that good cause exist therefor, place person or persons under bonds to keep the peace within the City, in the same manner as is provided in similar cases before a Justice of the Peace, and in default of bail may commit such person or persons to the City jail.

SEC. 4. He shall be ex-officio Chief of Police. He shall have power whenever he may deem it necessary to appoint one or more deputies, for whose official conduct he shall be responsible on his bond, and who shall receive the same fees for their services as are allowed by law to the Marshal.

SEC. 5. He shall attend all meetings of the Common Council, and serve all processes directed him by any Justice of the Peace in the County, and shall attend the court of the Justice of the Peace for the City, and shall serve all papers emanating from the City Council, and shall perform such duties as may be prescribed by ordinance or action of the City Council.

SEC. 6. He shall keep a book in which he shall enter the names of all persons arrested by himself, or any deputy or Policeman, who shall report the same to him as Chief of Police, the date of such arrest and amount of fine assessed. He shall report monthly to the City Council all arrests made by him or his deputies, or by any Policeman of the City during the month, and he shall report semi-annually, at the first regular meeting of the Council in December and June, all arrests made by him, what fines have been collected from said persons, and what number of persons have been confined in the City prison and for what time.

SEC. 7. He shall take duplicate receipts for all moneys which he shall pay into the treasury, one of which he shall file with the City Clerk.

SEC. 8. He shall receive such compensation for his services as may be allowed by ordinance or action of the Council.

SEC. 9. This ordinance shall be in force from and after its passage and publication.

Passed the Common Council August 16, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 17, 1878.

JAMES McAULIFF,
Mayor.

ORDINANCE NO. 7.

AN ORDINANCE DEFINING THE DUTIES OF CITY CLERK, AND FIXING HIS SALARY.

The City of Walla Walla does ordain as follows:

SECTION 1. At the first meeting of the Council after the annual election in July, the City Council shall elect a suitable person to serve as City Clerk, during the ensuing fiscal year, and until his successor be duly elected and qualified, who shall give a bond, with two or more sureties, to be approved by the Common Council, in the penal sum of five hundred dollars, and the Council shall have power at any time to increase said bond to any sum not exceeding twenty-five hundred dollars, which bond shall be conditioned to the faithful discharge of his duties as City Clerk, and he shall take and subscribe an oath of office on said bond to the faithful discharge of his duties.¹

SEC. 2. Whenever a vacancy shall occur in the office of Clerk by a failure to elect, or from any other cause, the Council, at any regular meeting called for that purpose, may elect a person to fill such vacancy until the next regular election, and the person so elected shall proceed to qualify in all respects as hereinbefore provided.

SEC. 3. The Clerk may at any time be removed by a majority of all the Council.²

SEC. 4. It shall be the duty of the Clerk to keep all the records, books, papers, and archives, bonds and valuable documents belonging to the City.

SEC. 5. He shall attend all meetings of the Council, and keep a record of their proceedings in a well-bound book which shall be provided for that purpose, and is authorized to administer any oath required to be taken in connection with the duties of his office.

SEC. 6. He shall record in a well-bound book all ordinances, by-laws and resolutions passed by the Council.

SEC. 7. All demands against the City must be presented to the City Clerk, with the necessary evidence in support thereof, and he must submit the same to the Council, who shall by a vote direct whether the same be paid or not, and out of what fund the same is to be paid.

SEC. 8. When the Council orders any demand or account to be paid, if money has been appropriated for that purpose and not other-

¹ Superseded by Sec. 28 of Amended Charter.

² Superseded by Sec. 27 of Amended Charter.

wise, the Clerk shall draw a warrant upon the Treasurer for the amount ordered paid which warrant must be drawn on the general or special fund appropriated therefor, and be signed by the Mayor and attested by the Clerk.

SEC. 9. The Clerk must keep proper books of account, showing therein all sums appropriated, the date thereof, and out of what fund, and the amount of warrant drawn thereon.

SEC. 10. He shall draw all warrants ordered by the Council, which shall be signed by the Mayor, and he shall attest the same, and shall keep a warrant book in which he shall enter, first, the date; second, number of each warrant issued; third, to whom issued; fourth, for what purpose; fifth, what fund; sixth, the amount; and shall report to the Council semi-annually at the first regular meeting in December and June of each year; he shall also keep a cash book in which he shall keep an account current with the City Treasurer, and shall charge him with all moneys paid into the City treasury for fines and licenses, and shall properly endorse and file all receipts from the Treasurer which shall be placed in his hands; shall charge the Treasurer with the amount of the assessment roll when it is delivered to the Treasurer, and shall credit him with amount remaining unpaid when the same is returned to him; shall keep an account with the Assessor or other officer who shall collect City taxes, and shall at the first regular meeting of the Council in July of each year make out a report showing the entire amount of moneys received during the year, from what received, and how expended, the amount of outstanding warrants, and shall make an exhibit, showing the probable amount of revenue which may accrue to the City during his half-year following his semi-annual report.

SEC. 11. He shall, under control of the Mayor, have charge of the City seal, and shall affix the same to licenses and other public papers requiring authentication. He shall, when called upon by parties requiring a license, or upon presentation by them of the Treasurer's receipt therefor, issue licenses when by law such licenses are required, and shall have power to make out and collect licenses from all persons who are liable to pay the same, and he shall keep a well-bound book in which he shall enter the names of all persons to whom license is granted, the amount received therefor, and the date of issue and termination of such license.

SEC. 12. The records of his office shall, when necessary, be open to the inspection of the Mayor, any members of the Council or the public.

SEC. 13. He shall receive such compensation for his services as may be allowed by ordinance or action of the Council.

SEC. 14. This ordinance to be in force from and after its passage and publication.

Passed the Common Council August 16, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 17, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 8.

AN ORDINANCE DEFINING THE DUTIES OF CITY ATTORNEY AND FIXING HIS FEES.

The City of Walla Walla Does Ordain as follows :

SECTION 1. There shall be elected by the City Council at its first meeting after each general election, an Attorney for the City, who shall hold his office for one year, or until his successor is appointed. But he may be removed at any time by vote of the Council for incapacity or other good cause.¹

SEC. 2. It shall be the duty of the City Attorney to appear for the City and prosecute or defend any and all suits in which the City is interested and to prosecute all cases for violation of City ordinances, and to give his opinion in writing to the Council on any matter in which the City is interested when requested by the Council.

SEC. 3. He shall be entitled to receive for his service for the prosecuting or defending of any case or suit on behalf of the City, such reasonable compensation as by the Council may be agreed upon.

SEC. 4. In all prosecutions before the Justice of the Peace for the City, he shall be allowed a fee to be taxed only against the defendant and paid by him, of not more than \$25 or less than \$5, which fee is to be fixed by the Justice of the Peace as part of the costs, but in no case is said fee to be charged to the City unless the prosecution is specially ordered by the Council.

¹ Superseded by Sec. 28, of Amended Charter.

SEC. 5. This ordinance shall be in force and take effect from and after its passage and publication.

Passed the Common Council August 19, 1878.

C. E. WHITNEY,
City Clerk.

Approved August 21, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 10.

AN ORDINANCE DEFINING THE DUTIES OF CITY TREASURER, AND
FIXING HIS PERCENTAGE.

The City of Walla Walla does Ordain as follows :

SECTION 1. The City Treasurer, before entering upon his duties connected with his office, shall give a bond to the City of Walla Walla in the penal sum of twenty-five thousand dollars, with at least two sureties, which bond shall be approved by the Mayor, conditioned for the faithful discharge of his duties according to law. He shall also take and subscribe an oath that he will support the Constitution of the United States and of this State, and that he will faithfully perform the duties of City Treasurer during his continuance in office.¹

SEC. 2. He shall be the receiver of taxes, and must receive and keep all moneys that shall come to the City by taxation or in other way, and shall pay the same out on warrants ordered by the City Council, signed by the Mayor and attested by the Clerk under the seal of the City.

SEC. 3. All warrants shall designate on what particular fund they are drawn and shall only be paid out of the particular fund on which it is drawn.

SEC. 4. The Treasurer shall keep an account with the general fund, and a separate account with each special fund that may be raised for any specific purpose.

SEC. 5. He shall pay all City warrants when presented, if there is money in the treasury appropriated for that purpose, and write on the face of such warrants the date of payment and sign the same. If there are no funds to pay such warrant when presented, he shall endorse

¹ As Amended by Ordinance 384.

thereon "not paid for want of funds," and the date of such presentation, and sign the same, and he shall keep a book in which he shall make an entry, showing the number, amount, to whom payable, and date of presentation of each order so presented and endorsed.

SEC. 6. The City Treasurer shall redeem all warrants according to their priority of presentment; provided, that such warrants payable out of the City revenues shall be receivable in payment of all City taxes without regard to priority of presentment or number, but no poll road tax, nor road tax, nor special tax shall be paid in warrants, but the same shall be paid in money.

SEC. 7. The Treasurer shall keep his office in some convenient place within the City, and shall keep the same open during business hours of the day, and shall so arrange and keep his books that the amounts received by him on each separate account and all funds paid out on each separate appropriation, shall be exhibited in separate accounts.

SEC. 8. His books and accounts shall at all times be subject to examination by the Mayor or the Common Council, and the Treasurer shall, at the first regular meeting in December and June of each year, make out and present to the Council a full and complete statement of the receipts and expenditures of the preceding six months.

SEC. 9. On the first day of April of each year he shall deliver to the City Assessor a sufficient number of blank poll road tax receipts, signed by himself, for which said Assessor shall receipt to him and he shall charge said Assessor with the same in an account which he shall keep for that purpose, and when the Assessor has completed his assessment and pays over to him the money collected for poll road tax, and returns the unused receipts, he shall credit him therewith and give him duplicate receipts for the money so paid.

SEC. 10. The City Treasurer shall annually make a complete settlement with the Board of Common Council at the last Council meeting of each fiscal year, and at the expiration of his term of office shall turn over all moneys, books, papers and documents that may remain in his hands, belonging to the City, and shall take his successor's receipt in duplicate therefor, one of which he shall file with the City Clerk.

SEC. 11.¹

¹ Repealed by Ordinance No. 252.

SEC. 12. This ordinance to take effect and be in force from and after its passage and publication.

Passed the Common Council August 20, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 21, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 11.

AN ORDINANCE DEFINING THE DUTIES OF THE CITY ASSESSOR AND
FIXING HIS COMPENSATION.

The City of Walla Walla does Ordain as follows :

SECTION 1. It shall be the duty of the City Assessor, before entering upon the duties of his office, to give a bond to the people of the City of Walla Walla in the penal sum of two thousand dollars, conditioned to the faithful performance of his duties according to law, and to take and subscribe an oath to that effect; which shall be endorsed on his official bond.

SEC. 2. The City Assessor shall, on the first Monday in April following his election and qualification in each year, commence the performance of his duties by ascertaining the name of each person in the City liable to taxation, and also all the taxable property in the City, and shall prepare an assessment roll, in which he shall set down in their respective order: First, the names of all the taxable persons in the City; second, the value of the property taxable to each; third, the denomination, class or kind of property assessed; fourth, the number of the block or lot in which any real estate is situated, with the value thereof.

SEC. 3. When any person is assessed as executor, administrator, trustee, guardian, or agent, a designation of such representative character shall be added to his name, and such assessment shall be entered in a separate column from his individual personal assessment.

SEC. 4. The Assessor shall administer an oath to each person before assessing them, to give a correct list of all moneys and property, real and personal, which shall be liable to assessment under the laws of this City, and if any person shall refuse to take such oath, or if the Assessor shall be unable to find the owner of any property liable to assess-

ment, he shall ascertain from the best means in his power the value of such property and assess it accordingly, and shall assess the property of non-residents and citizens who may be at the time absent from the City, by the same manner of assessment.

SEC. 5. All unoccupied lots which shall be rendered more valuable, by reason of surrounding improvements, shall be assessed according to such increased value.

SEC. 6. The Assessor shall return the assessment roll to the Common Council at the second regular meeting in May of each year, and shall subscribe an official certificate that he has fully performed his duty and that the assessment roll is correct.

SEC. 7. The City Assessor shall also annually prepare a list showing the names of all persons liable to pay poll road tax residing within said City, and their place of residence, and shall mark thereon, opposite the name of each person, the payment of poll road tax made to him as hereinafter provided, and shall return said list to the City Council, with his assessment of City property; said list, when so returned, shall be known as the delinquent road poll tax list.

SEC. 8. The Assessor, while making the assessment of property shall demand of each person liable to pay poll road tax, within the City, the said tax for that year, and on payment thereof to him, he shall mark the same paid opposite the name of such person, and shall also deliver to such person poll road tax receipt signed by the City Treasurer, and by said Assessor for said tax.

SEC. 9. On the first of April of each year the City Assessor shall receive from the City Treasurer a sufficient number of blank poll-road tax receipts, signed by the Treasurer, for which the said Assessor shall give his receipt to the Treasurer, who shall charge the Assessor therewith in an account to be kept by him for that purpose.

SEC. 10. Any person, corporation, or association employing any persons liable to pay road-poll tax, shall, when required, furnish to the Assessor a list of the names of all persons so employed by them, and if such person, corporation or association shall fail to furnish such list, or shall furnish an incomplete or incorrect list, then said employers or company shall be liable for the amount of said road-poll tax of his or their employes, and shall pay the road-poll tax due by such employes, on demand, to the Treasurer.

SEC. 11. The Assessor, when he has completed his assessment, shall return to the City Treasurer all said receipts remaining unused in his hands, and shall also pay over all money collected by him for poll-

road tax, and shall be credited by the City Treasurer with said receipts and money so returned, and the Treasurer shall deliver to him duplicate receipts for the money so paid, one of which shall be filed with the City Clerk.

SEC. 12. The Assessor shall receive the sum of one hundred and fifty dollars for assessing the property in the City and for making and returning the assessment roll, and five per cent on all road-poll tax collected by him.¹

SEC. 13. This ordinance to be in force from and after its passage and publication.

Passed the Common Council August 20, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 21, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 14.

AN ORDINANCE TO PREVENT DOMESTIC FOWLS RUNNING AT LARGE WITHIN THE CORPORATE LIMITS OF THE CITY OF WALLA WALLA.

The City of Walla Walla does Ordain as follows:

SECTION 1. No person or persons shall permit any chickens, ducks, geese, turkeys or domestic fowls to run at large within the corporate limits of the City of Walla Walla.

SEC. 2. It shall be lawful for any person or persons who may find any domestic fowls running at large, as provided in section first of this ordinance, upon his premises, to seize, kill, use or destroy the same, and such seizure, killing, use or destruction shall forfeit all right, title and interest of the owner therein and all rights to damages, claims, right of action and demands therefor.

¹ Ordinance No. 509, fixes compensation of Assessor at \$4.00 per day for time necessarily employed. This is the last ordinance fixing his compensation.

SEC. 3. This ordinance to be in force from and after its passage and publication.

Passed the Common Council August 21, 1878.

C. E. WHITNEY,
City Clerk.

Approved, August 22, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 15.

AN ORDINANCE TO PROVIDE FOR THE CLEANING OF STREETS AND ALLEYS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the occupants of any premises, and the owners and agents of any unoccupied premises fronting or abutting on any street or alley, be, and they are hereby required at their own expense, to clean the street or alley in front of or abutting upon their respective lots or premises, by scraping, sweeping and removing the dirt or rubbish on Friday or Saturday of each week during the year; the dirt and rubbish to be deposited in such place as the Street Commissioner shall designate.

SEC. 2. The Street Commissioner is hereby authorized and directed to cause the streets in front of the property owned by the City to be cleaned in the manner prescribed in Section 1 of this ordinance, and for that purpose shall, as far as practicable, cause such work to be done by the persons confined in the City jail, under the provisions of the ordinance providing for the working of City prisoners.

SEC. 3. A failure to comply with the provisions of Section 1 of this ordinance shall be deemed a misdemeanor, and upon conviction before the Justice of the Peace of the City, the offender or offenders shall be subject to a fine of not more than ten dollars for each and every offense.

SEC. 4. The Street Commissioner is hereby directed to enforce the provisions of this ordinance.

SEC. 5. This ordinance to take effect and be in force from and after its passage and publication.

Passed the Common Council September 3, 1878

C. E. WHITNEY,
City Clerk.

Approved, September 4, 1878

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 16.

DEFINING THE DUTIES AND FIXING THE COMPENSATION OF THE
STREET COMMISSIONER.

The City of Walla Walla does Ordain as follows :

SECTION 1. The Street Commissioner shall have the general supervision of all streets, alleys, roads, sidewalks, bridges, bulk-heads, pavements and public grounds in the City of Walla Walla, and shall report from time to time, to the Common Council such alterations, repairs or improvements as may be necessary to all streets, alleys, roads sidewalks, bulk-heads, bridges and public grounds, together with the best manner of doing the same.

SEC. 2. It shall be the duty of the Street Commissioner to superintend the grading, graveling and repairing of all streets, alleys, and planking of sidewalks, building and repairing of bridges and bulk-heads, and all other public improvements of the City which have been or may hereafter by ordinance be placed in his charge or under his supervision.

SEC. 3. It shall be the duty of the Street Commissioner to remove all obstructions from the streets, alleys, sidewalks, bridges and public grounds of the City, except as otherwise provided by ordinance.

SEC. 4. It shall be the duty of the Street Commissioner to cause the removal of all nuisances from the streets, alleys and public grounds within the limits of the City and the necessary expense of such removal shall be paid out of the City treasury when the person or persons causing or permitting such nuisance cannot be found.

SEC. 5. It shall be the duty of the Street Commissioner to keep in repair all bridges, bulk-heads, and crosswalks in the City, and to notify all persons to build sidewalks when ordered by the Council and when

sidewalks are broken or out of repair to notify the owners or occupants of the premises to forthwith repair the same, and if the owners or occupants fail to repair the same within five days from such notice, it shall be the duty of the Street Commissioner to repair the same at the expense of the owner or owners of said premises, and the same shall be a lien on the said premises to be recovered by suit for the same. The Street Commissioner shall perform such other duties as are or may hereafter be required of him by any ordinance or resolution of the Common Council concerning the streets, sidewalks, bridges, bulk-heads and public grounds of the City.

SEC. 6. The Street Commissioner shall have the authority of a policeman of the City and shall have charge of all property of the City for the improvement of streets, sidewalks, crosswalks bridges and bulk-heads, and it shall further be his duty to see that all ordinances relating to streets are strictly enforced and to make complaint before the Justice of the Peace for the City of all violations of such ordinances.

SEC. 7. In all cases where a conviction shall be had before the Justice of the Peace of the City upon the complaint of the Street Commissioner for a violation of any ordinance relating to streets, the Street Commissioner shall receive, as compensation for his trouble, the sum of two dollars, to be taxed as costs against the offender, but in no event shall the City be holden for the same.

SEC. 8 The Street Commissioner shall receive for his services a monthly salary of sixty dollars, payable monthly.¹

SEC. 9. Ordinance No. 63, defining the duties and compensation of the Street Commissioner is hereby repealed.

SEC. 10. This ordinance to be in force from and after its passage and publication.

Passed the Common Council September 5, 1878.

C. E. WHITNEY,
City Clerk.

Approved, September 6, 1878.

JAMES MCAULIFF,
Mayor.

¹ Ordinance No. 536, fixes compensation at \$55 per month.

ORDINANCE NO. 17.

AN ORDINANCE IN RELATION TO THE STREETS, SIDEWALKS AND CROSS-WALKS AND REGULATING THE SAME.

The City of Walla Walla does ordain as follows:

SECTION 1. That from and after the passage of this ordinance it shall not be lawful for any person to break up, dig up, cut, excavate or fill in any street, or construct any sidewalk, crosswalk, plank, gutter or roadway, or do any work in or upon any of the public streets and alleys within the City limits, except as in this ordinance provided

SEC. 2. Any person or persons wishing to grade or make any kind of improvements, before commencing the same, shall apply to the committee on streets and public property for a permit therefor, which application shall state the location and description of work to be done and the time necessary to complete it.

SEC. 3. Permits shall not be issued by the committee on streets and public property, except as hereinafter provided.

SEC. 4. No permit shall be issued for work upon any street or alley where the grade thereof has not been legally established, while a proposition to alter or amend a grade thereof is pending before the Council, or for work of any description other than is authorized by this ordinance, unless the Common Council by ordinance or resolution expressly so direct.

SEC. 5. The street committee may refuse their permit to remove any earth from any street of the City if, in their judgment, said earth will be required on that or any other street or alley of the City.

SEC. 6. Upon presentation of such permit to the City Surveyor he shall make the necessary survey for the improvement therein described; provided, however, if the work is not done within the time specified in the permit and a second survey becomes necessary, such survey shall be at the expense of the applicant therefor.

SEC. 7. After testing the accuracy of any work the City Surveyor shall certify that the work is upon the proper grade and that the materials used are in accordance with the provisions of this ordinance, and such work so accepted, as far as it extends, shall be deemed a completion of that part of any improvement ordered by the Common Council.

SEC. 8. All filling required in sidewalks or roadways shall be done with good clean earth, free from sticks, roots or other perishable material, and the earth work shall be neatly trimmed to grade after the completion of all other work.

SEC. 9. The grade of Main and parallel streets hereafter established shall run from center to center, and the curbs of those streets shall cor-

respond to the official grade of the center of the street opposite. The grades of streets running from north to south, on the intersection of Main and parallel streets shall be level and shall run from line of block to line of block, the grade of the curb lines conforming to the official grade of cross street, and running with grade parallel to the center of street.

SEC. 10. In all cases not otherwise provided for the curbs shall correspond to the official grade of the street of which said sidewalk shall form a part. Sidewalks shall rise from the curbs to the line of the block at the rate of one-fourth of an inch to every foot of width, and where the covering planks do not cover the whole width of the sidewalks the space not covered shall be filled to the top of the curb; the width of all sidewalks hereafter laid on streets eighty (80) feet wide shall be twelve (12) feet and upon streets one hundred (100) feet wide shall be sixteen (16) feet, measuring from the line of the block to the outside of the curb.

SEC. 11. Curbs shall be of wood fifteen (15) inches wide, three (3) inches thick and in lengths of not less than nine (9) feet, and their ends shall be cut square, so as to make good square joints.

SEC. 12. In all sidewalks there shall be placed sills not more than two feet apart. The sills shall be 2x6 inches, placed on or imbedded in the firm earth, at equal distance apart, and parallel with the curb, for the covering plank to rest upon. In all cases where there are more than twelve inches filling in the sidewalk, the sills or stringers shall rest upon blocks not less than 4x6 inches, extending down to the firm earth. The blocks shall not be more than four feet apart under each stringer. The covering plank shall not be less than 1 1/4 inches thick and not more than eight inches wide; and in length as hereinafter specified, viz: upon Main street from First street to Fifth street, sixteen feet; from Fifth street to Eleventh street, ten feet wide, and on said street from First street to the north-easterly line of the City, eight feet. Upon all other one hundred foot streets, eight feet, and upon all eighty foot streets, six feet long. Said sidewalk to commence not more than one foot out from the line of the lots. And in cases where the covering planks do not extend to the full width of the sidewalk, at every ten feet a plank shall extend to the full width and be mortised into and spiked to the curb, except on streets that have not been graded; provided, that the Council, in ordering improvements of streets, may alter or modify the kind of sidewalk to be laid in any street hereafter improved, in such manner as they may think proper. In all streets of the City that portion of the sidewalks lying between intersection shall be wholly planked. The planks shall be securely fastened to the curbs and sills by two 30d nails, driven at least one-fourth of an inch below the surface.

1 As amended by Ordinance No. 34. Approved, March 19, 1879.

SEC. 13. All crosswalks hereafter laid down shall not be less than four feet wide, constructed of three inch plank and shall be laid in a line with the middle of the sidewalk or at or near the side line of the street as the City Surveyor and the committee on streets and public property shall designate. They shall rest upon sills not less than four feet long, eight inches wide and three inches thick, well imbedded in the earth. On all streets the sills shall not be more than four feet apart. The covering plank shall correspond to the slope of the street and extend within two feet of the curb. The crosswalks shall be connected with the sidewalks with aprons four feet long of three inch plank, securely fastened to the curb and crosswalks by six inch spikes.

SEC. 14. In all cases where it is proposed to gravel the roadway, it shall be done by leaving the grade in the center of the street extending to the width to be covered, four inches below the established grade, and when the gravel is placed on the street it shall be made to conform to the official grade of said street.

SEC. 15. All shade and ornamental trees that shall hereafter be planted in the streets of the City of Walla Walla, shall be placed at a distance of ten and one-half feet from the line of the block in the eighty foot streets, and fourteen feet from the line of the block on the one hundred foot streets.

SEC. 16. The committee on streets and public property and the City Surveyor, when in their judgment it is expedient, shall have all newly improved streets sprinkled thoroughly and then rolled with a heavy roller, which sprinkling and rolling shall constitute a part of the improvement of any street upon which said work is done.

SEC. 17. Whenever it shall become necessary for any corporation or other person engaged in supplying this City or its inhabitants with water or gas, to dig up, break, disturb, dig under or undermine a public street or any part thereof, for the purpose of laying or gaining access to their mains or pipes, such corporation or person shall complete such work or repairs as soon as possible and shall, without delay, put such street in good condition and shall remove therefrom all surplus rocks, stone, sand, earth, rubbish or other material thereby dug up or placed in such street.

SEC. 18. Any person violating any of the provisions of this ordinance shall be deemed guilty of misdemeanor and on conviction before the Justice of the Peace of the City, shall be punished by a fine of not more than fifty dollars, or by imprisonment in the City jail not more than fifteen days, and in all cases where a fine shall be imposed under this ordinance it shall be the duty of the Justice of the Peace to adjudge that the offender stand committed to the City jail until such fine and

costs of suit shall be paid, or, in default of a payment, for a number of days specified, and in the costs of suit against the offender, and any person or persons who shall maintain or continue such violence after conviction of the first offense, shall, for each day of maintaining or continuing, be deemed guilty of a separate offense and on conviction thereof shall be punished to the full extent of the fine or imprisonment provided in this section, and upon all cases of conviction under this ordinance upon complaint of the City Marshal or Street Commissioner there shall be an additional sum of two dollars taxed as costs against the offender, which shall be collected from the offender and paid to the City Marshal or Street Commissioner, as the case may be.

SEC. 19. This ordinance shall be in force from and after its passage and publication.

Passed the Common Council September 5, 1878.

C. E. WHITNEY,
City Clerk.

Approved, September 6, 1878.

JAMES MCAULIFF,
Mayor

ORDINANCE NO. 18.

TO PROVIDE FOR THE PREVENTION OF FIRES, APPOINTING FIRE WARDENS AND DEFINING THEIR DUTIES

The City of Walla Walla does ordain as follows:

SECTION 1. That every chimney or flue that may hereafter be built within the City shall have walls of a good quality of brick or stone at least four inches in thickness, and the bottom to be at least six inches in thickness, of the same material, and to be laid in good lime mortar and to be plastered on the inside, and when passing through or near wood-work, to be plastered on the outside. No chimney or flue shall be built which shall have any joist or timber resting on or entering into the same, further than will leave at least six inches between the end thereof and the chimney or flue. They shall be well secured and shall extend at least four feet above the roof of the building to which they are attached, measuring from the point where each chimney or flue passes through such roof, and shall extend at least two and one-half feet below the ceiling of the first story of such building and should such chimneys or flues be deemed unsafe to the building or buildings adjoining (by a

fire warden) they shall be carried up to such a height as may be deemed necessary, not to exceed four feet above the extreme height of said building or buildings adjoining.

SEC. 2. No stove pipe in any building with wooden or combustible floors and ceilings, shall enter any flue unless said pipe shall be at least eighteen inches from either floors or ceilings, and in all cases where stove pipes pass through wooden partitions of any kind, whether the same be plastered or not, they shall be guarded by a double collar of metal, with at least three inches air space and hole for ventilation, or by a soapstone ring not less than two inches in thickness, and extending through the partition, or by a solid coating of plaster of paris; three inches thick, or by an earthenware ring three inches from the pipe. No stove pipe nor smoke pipe shall pass through any windows, side or roof of any building, except by a permit granted by a fire warden, and it shall designate the time for which such leave is granted. The openings where the pipe goes through the roof or side of a building shall in all cases be at least three inches in diameter larger than the size of the pipe, and be protected by a double collar of metal or otherwise, as in the case of passing through partition, and tin or sheet iron on the outside and inside of such openings. No stove pipe shall be placed nearer than sixteen inches to any wall, except at right angles therewith in passing through the same. All stove pipes passing through the roof of any building shall extend at least four feet above the roof of the building to which they are attached, measuring from the point where each passes through such roof, and if, in the opinion of a fire warden, they be deemed unsafe to the building or buildings adjoining, they shall be carried up to such a height as may be deemed necessary, not to exceed four feet above the extreme height of said building or buildings; provided, that no owner, proprietor, superintendent, agent or occupant thereof, or other person using or managing, or having the control of any steam saw or planing mill or factory of any kind, or where steam power is used, shall use or continue to use, maintain or erect any smoke stack or chimney in connection with any such establishment of less height than twenty feet above the adjoining buildings or those adjacent thereto, and such smoke stack and chimneys shall be further protected by proper spark catchers attached thereto. If, in the opinion of a fire warden, a sheet iron pipe is not sufficient for the safety of the building or buildings, he shall inform the owner or occupant thereof and order a brick chimney, which order shall be complied with within ten days; provided, that hotels and restaurants shall in all cases provide brick chimneys to be used in place of a stove pipe. All owners or occupants of any building within the City, in which there is a stove pipe, shall, when notified by a fire warden, comply with the foregoing requirements of, and also replace a bad or defective stove pipe with a new one when so ordered.

SEC. 3. That when any flue, stove pipe or chimney constructed prior to this ordinance going into effect shall be deemed by a fire warden to be unsafe, the fire warden in whose district the same shall occur, shall notify in writing the owner or occupant of the building that the same must be repaired or removed within ten days; and if the parties so notified still persist in using any flue, stove pipe or chimney which endangers the building to which it is attached, or adjoining buildings, the fire warden shall cause the same to be repaired or removed, and the cost of such repairs shall be made at the expense of the owner or occupant of the building.

SEC. 4. No stove shall stand within two feet of any wooden or cloth wall, unless such wall is fully protected by tin or zinc plates fastened thereon, and all persons using fires in stoves shall cause to have placed under said stoves zinc or other incombustible material sufficient to protect the floors from fire.

SEC. 5. It shall be unlawful for any person to deposit any ashes in any wooden vessel or on any wooden floor in the City, or deposit them in any place in their or others' premises that will be nearer than ten feet to any wooden work.

SEC. 6. No person shall use any portable light in any building or place where combustible materials are kept, unless such light be securely enclosed in a lantern, and no person shall use a light where combustible materials are suspended above it without so protecting it as to prevent such material falling upon or coming in contact with it.

SEC. 7. Every person making or using shavings shall, at the close of each day, cause the same to be securely stored or disposed of so as to be safe from fire, and when not so stored the fire warden may direct the removal of the same or cause the same to be protected from fire, and at the expense of the owner or occupant of the premises. No owner or occupant of any livery stable in this City shall, by himself or those in his employ, use therein or in any place containing hay, straw or other combustible material, any lighted candle or other portable light, except the same be securely protected by a lantern. No person shall in this City have, put, or keep any hay or straw in stack or pile without having the same enclosed or secured so as to protect it from flying sparks of fire.

SEC. 8. That the fire wardens of the City shall at all times have the right to enter any building in this City for the purpose of discovering or ascertaining any violation of this ordinance.

SEC. 9. That whenever a fire warden deems it necessary for the safety of any building or adjoining buildings to have any accumulation of moss removed from the roof of such building, he shall notify the owner or occupant of such building, who shall at once have the same removed.

SEC. 10. No person shall make or cause to be made a fire on any wooden pavement or planking in the City.

SEC. 11. No person shall, in the City, boil any pitch, tar, rosin, turpentine, varnish or other inflammable substance, unless the same be done in an open place at least thirty feet from any building or other property that might be injured thereby, or in a fire proof building.

SEC. 12. All flues and chimneys shall be cleaned as often as once in three months and any person failing to do so shall be liable to pay a fine of not more than ten dollars on conviction thereof.

SEC. 13. All chimneys of blacksmith shops shall be properly and carefully protected by spark catchers attached thereto.

SEC. 14. Any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and on conviction thereof, before the Justice of the Peace of the City, shall be punished by a fine of not more than fifty dollars; and each day of maintaining or continuing such violation shall be deemed a new offense and punished accordingly.

SEC. 15. The foreman of each fire company and the City Marshal shall be the fire wardens of the City, and they are required to see that the provisions of this ordinance are enforced, and to make complaints in the court of the Justice of the Peace of the City for violation thereof.

SEC. 16. This ordinance to be in force from and after its passage and publication.

Passed the Common Council, September 10, 1878.

C. E. WHITNEY,
City Clerk.

Approved, September 13, 1878.

JAMES McAULIFF,
Mayor.

ORDINANCE NO. 19.

AN ORDINANCE TO PROVIDE FOR WORKING THE CITY PRISONERS.

The City of Walla Walla does ordain as follows:

SECTION 1. That hereafter all City prisoners, during the term of their imprisonment or commitment, shall be liable to work upon public

squares, lots, blocks, engine houses, streets, cisterns, sewers, and other property of the City, or property of which the City has direct control or charge, and in cleaning all crossings of streets in the City, and all streets and alleys.

SEC. 2. It shall be the duty of the City Marshal, whenever he shall have prisoners in his custody, to notify the Street Commissioner of the fact, stating the number of prisoners available for work, and that officer shall designate to the City Marshal the street crossings, alleys, public square, sewer, cistern, or other property of the City upon which the labor of such prisoners may be required, and the kind of work necessary to be done, and thereupon the City Marshal shall have such work performed by the prisoners in his charge, as far as practicable.

SEC. 3. The City prisoners must labor as herein provided, under the direction of the City Marshal, his deputy, the Street Commissioner, or any Policeman, whose duty it shall be to see that the prisoners are guarded to prevent escapes, and if necessary he may shackle them.

SEC. 4. No prisoner shall be required to labor over ten (10) hours in one day. If prisoners shall refuse to labor when directed by the City Marshal or his deputy, they shall, for every such refusal, be closely confined in the City jail, with no food except bread and no drink except water, for a period of twenty-four hours.

SEC. 5. At the first regular meeting of the Council of each month the City Marshal shall report the names of the prisoners who have performed work during the preceding month, together with the number of days work performed by each prisoner, the kind of work performed and the aggregate number of days work performed during the month.

SEC. 6. This ordinance shall not be construed to require any female prisoner to perform labor, nor to require any prisoner to perform labor on Sunday. The term prisoner or City prisoner, as used in this ordinance, shall be construed to mean all persons who have been or may be sentenced to imprisonment for violation of any City ordinance or committed for non-payment of any fine for violation thereof.

SEC. 5. This ordinance to take effect and be in force from and after its passage and publication.

Passed the Common Council, September 10, 1878.

C. F. WHITNEY,

City Clerk.

Approved, September 13, 1878.

JAMES MCAULIFF,

Mayor.

ORDINANCES OF THE

ORDINANCE NO. 20.

AN ORDINANCE TO PREVENT AND PUNISH TRESPASS UPON THE PUBLIC SQUARES AND OTHER PUBLIC PROPERTY OF
THE CITY OF WALLA WALLA.

The City of Walla Walla does Ordain as follows :

SECTION 1. If any person shall wilfully trespass upon any of the public squares or other public property of the City of Walla Walla, or shall cut, remove or deface, or in any manner injure any fence, gate or inclosure placed around any public square, or shall break into, injure or unlawfully occupy any building belonging to or under the control of the City, or shall unlawfully place, or cause to be placed upon such public square or other public property, any wood, lumber, coal or merchandise, or other article or thing whatever, he shall, upon conviction, be fined in any sum not to exceed fifty dollars or to imprisonment not to exceed fifteen days.

SEC. 2. This ordinance to be in force from and after its passage and publication.

Passed the Common Council, September 10, 1878.

C. E. WHITNEY,
City Clerk,

Approved, September 13, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 22.

AN ORDINANCE TO PROVIDE FOR THE LOCATION OF SHADE AND ORNAMENTAL TREES IN THE STREETS OF WALLA WALLA CITY AND TO PUNISH INJURY TO THE SAME.

The City of Walla Walla does ordain as follows:

SECTION 1. All shade and ornamental trees that shall hereafter be planted in the streets of Walla Walla City shall be placed at the distance of ten and one-half feet from the line of block in eighty-foot streets, and fourteen feet from line of block in one hundred foot streets, and shall be trimmed from time to time as the Street Commissioner shall direct, or, in default thereof, the Street Commissioner may trim such trees in the months of February, March or April if he deem it

necessary to the beauty or convenient use of the street, and the expense shall be paid by the owner of the property to which such trees are adjacent.

SEC. 2. Shade and ornamental trees planted or growing within the streets, as permitted by this ordinance, may be protected by such temporary fences or structures as the Street Commissioner may approve, to be removed under the direction of the Street Commissioner when instructed by the Council.

SEC. 3. Any person who shall cut, break, girdle, or in any way injure any shade or ornamental tree or tree-box, or ornamental shrub that have been planted or may hereafter be planted upon any of the public streets or grounds of this City, shall, upon conviction thereof, be fined in any sum not exceeding fifty dollars, and may be imprisoned until such fine and the costs of prosecution are paid.

SEC. 4. Any person who shall, in the day or night time, hitch or tie any horse, mule, team or other animal or animals to any shade tree standing or growing in any of the streets or public grounds of this City without permission of the owner of such tree or trees, shall, on conviction, be fined in any sum not exceeding ten dollars, to be collected and paid as other fines.

SEC. 5. This ordinance to take effect and be in force from and after its passage and publication.

Passed the Common Council September 24, 1878.

C. E. WHITNEY,
City Clerk.

Approved, September 27, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 26.

AN ORDINANCE PROVIDING FOR THE GRADING AND IMPROVEMENT
OF STREETS AND ALLEYS, AND ASSESSING AND COLLECT-
ING THE COSTS OF THE SAME.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the City Council, whenever it deems it expedient to establish or alter the grade of any street or alley of the City or to pave or plank or otherwise improve any such street or part of street,

now or heretofore laid out or established within the corporate limits of the City, shall cause a survey and diagram of said grade, alteration or a specification of such other improvement, together with an estimate of the probable cost of the same, to be made by the City Surveyor. And the said survey and estimate shall be filed in the office of the Clerk of the City for inspection by all persons interested therein, and a notice of the intention to grade, pave or otherwise improve said street, and of the filing of the said survey, specification and estimate shall be given by two weekly publications in the paper doing the City printing. Such notice must specify, with convenient certainty, the street or part thereof proposed to be improved or of which the grade is to be established or altered, and the kind of improvement which is proposed to be made; provided, however, that the said notice shall not be published as aforesaid whenever the owner or owners of a majority of the property to be assessed for said improvement or alteration shall, in writing, petition the City Council therefor.

SEC. 2.¹

Sec. 3. ²After said notice has been given by publication, as required by Section 1 of this ordinance, or said improvement has been petitioned for, as therein provided, the City Council, by a five-sevenths vote, may, at any time within six months, establish the proposed grade or make the proposed improvement in said street or alley, according to said notice or petition.

SEC. 4. In all cases where the Council shall order by ordinance the grading, planking, paving or graveling of any street or part of a street of the City, and the cost thereof has been duly estimated and determined, the Council shall, before proceeding with the execution of such work, cause an appraisalment and assessment of the property adjacent to said improvement and assessable for the costs thereof, as follows: An Assessor shall be appointed and sworn to assess all lots or parts of lots or lands abutting on said street and adjacent to said improvement, at the actual value of said lots or parts of lots or lands, irrespective of the improvements or structures thereon, and the whole costs of grade, paving, planking or other improvement shall be assessed pro rata on said lots, parts of lots or lands as aforesaid, according to the assessed value thereof, and a tabulated statement of said appraisalment and assessment when made shall be returned and filed with the City Clerk, and a notice thereof published in the paper doing the City printing. Such statement shall show the number and size of each lot, the value thereof and the amount for which it is assessed and the name or names of the owner or owners thereof.

¹ Repealed by ordinance No. 32.

² As amended by ordinance No. 32.

SEC. 5. Any person feeling himself aggrieved by such appraisalment or assessment may apply to the City Council to be heard thereon, and the Council may then make such modification of said appraisalment or assessment as to them may seem just.

SEC. 6. If no remonstrance be made to said assessment, or if made thereafter the same has been heard and acted upon, the City Council shall approve the said appraisalment and assessment as made or modified by them, and the owners of the property assessed shall be notified by the City Clerk to pay to the City Treasurer, within ten days thereafter, the sum due by them respectively on said appraisalment and assessment of their said property as shown by said tabulated statement.

SEC. 7. For the purpose of ascertaining who is the owner of any lot, or part of lot, or land assessed for the improvement of any street of the City, the City Clerk shall procure the certificate of the County Auditor of Walla Walla County, stating who is the owner thereof at the time of the assessment as appears from the County records.

SEC. 8. When the tabulated appraisalment and assessment has been approved by the City Council as provided for in Section 6 of this ordinance, the same shall be filed with the Recorder of Walla Walla County and recorded in the book of mortgage liens on real estate and shall be a lien from that date on the lots, parts of lots, or lands described therein for the several sums assessed against the same respectively. And as fast as the same are paid to the City Treasurer he is authorized to release said lien for the amount so paid on the particular lot or part of lot for which said assessment has been paid, and said lot shall be henceforth discharged from said lien.

SEC. 9. In the event said assessments are not paid within the time fixed by the Council, or such further time as the Council may grant, the said assessment shall be collected by suit and foreclosure as in case of other liens on real property, together with the interest thereon from the day on which said assessment was in default, and five per centum in addition thereto upon the sum due to pay the expense of collecting the same.

SEC. 10. All money paid or collected upon assessment for any of the objects specified in this ordinance shall be kept by the City Treasurer as a separate fund, and shall be used for the purpose of making said improvement, and shall in no case be used for any other purpose whatever.

SEC. 11. All money due for assessments under this ordinance shall bear ten per cent. interest per annum from the day they become delinquent.

SEC. 12. All expenses for survey, assessment and estimates under this ordinance for the grade or improvement of any street or alley, shall be charged to and form a part of the expense of said improvement.

SEC. 13. Whenever the grade of any street or alley shall have been established by the City, and the City Council shall thereafter change or alter the same in such a manner as to cause injury to any building theretofore erected on any lot fronting on said street or whenever in widening or extending any street or alley, or in laying out and opening any street, it shall become necessary to condemn any private property for public use, the proceedings therefor shall be prosecuted in the manner pointed out in Sections No. 109, 110 and 111 of the City charter and the ordinances of the City in relation thereto.

SEC. 14. This ordinance to be in force from and after its passage and publication.

Passed the Common Council October 22, 1878.

C. E. WHITNEY,
City Clerk.

Approved, October 25, 1878.

JAMES McAULIFF,
Mayor.

ORDINANCE NO. 27.

TO REGULATE THE LETTING OF CONTRACTS FOR STREET WORK.

The City of Walla Walla does Ordain as follows:

SECTION 1. Whenever the Common Council shall by ordinance provide for the time and manner of improving any street or streets in the City of Walla Walla, and an estimate of the work to be done has been made, the committee on streets and public improvements are hereby authorized to advertise for proposals and enter into contract on behalf of the City for the furnishing of material and performing the labor necessary for the completion of the proposed improvement, subject to the restrictions and regulations hereinafter provided.

SEC. 2. A notice shall be published not less than fifteen days in the paper doing the City printing, specifying the name of the street, the part thereof proposed to be improved, the number of the ordinance providing therefor, and the time of letting. No bid shall be received after the time specified in the notice, and in such notice the right to reject any and all such bids shall be reserved.

SEC. 3. Bids must specify the price per cubic yard for grading, the price per lineal foot for all wood work, opposite the number upon each block bid upon. Each bid shall be accompanied with the undertaking, properly verified by two freeholders, in the sum of five hundred dollars, to the effect that if a contract be awarded to such bidder he will enter into the contract and give security for its faithful performance within forty-eight hours after receiving notice of such award.

SEC. 4. As soon after the time fixed for receiving bids as practicable, the committee on streets and public improvements shall open the same and award the same to the lowest responsible bidder or bidders, if in their judgment such bids are not unreasonable; provided, however, that an unreasonable bid or a bid for less than all of one class of work chargeable to one block or a bid that does not conform to the provisions of this ordinance, shall be rejected.

SEC. 5. Whenever the committee on streets and public improvements and the Street Commissioner shall report to the Common Council that a contractor for work upon the streets has failed to complete his contract within the time or in the manner specified therein, the Common Council may, by resolution declare said contractor delinquent, and thereafter no bid shall be received from such person or persons.

SEC. 6. The committee on streets and public improvements upon awarding a contract or contracts as hereinbefore provided, shall fix the amount of bond to be given by each contractor, and upon receiving a statement of such award and amount of bond, it is hereby made the duty of the City Attorney to prepare such bond and contract in accordance with the award.

SEC. 7. This ordinance to be in force from and after its passage and publication.

Passed the Common Council November 19, 1878.

C. E. WHITNEY,
City Clerk.

Approved, November 22, 1878.

JAMES MCAULIFF,
Mayor.

ORDINANCES OF THE

ORDINANCE NO. 36.

AN ORDINANCE TO PREVENT CRUELTY TO ANIMALS.

The City of Walla Walla does Ordain as follows :

SECTION 1. Every person who shall cruelly use, beat, torment, or over-load or overdrive any horse, ox, mule, or other animal, whether belonging to himself or to another, shall, upon conviction thereof, be fined in any sum not exceeding one hundred dollars.

SEC. 2. Any person having charge of any horse, or mule, or team, who shall permit the same to stand in the public streets for a period of more than ten hours, shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than five nor more than twenty dollars.

SEC. 3. It is hereby made the duty of the City Marshal and his deputies, and every policeman of the City, to arrest any person who shall be found violating any of the provisions of Sections 1 and 2 of this ordinance, and also to take charge of the animal or animals being so cruelly used and to keep the same at the expense of the owner until such case is disposed of.

SEC. 4. This ordinance to take effect and be in force from and after its passage and publication.

Passed the Common Council March 25, 1879.

C. E. WHITNEY,
City Clerk.

Approved, March 26, 1879.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 50.

AN ORDINANCE FOR THE PROTECTION OF SURVEY MONUMENTS ESTABLISHED BY THE CITY SURVEYOR.

The City of Walla Walla does Ordain as follows:

SECTION 1. It shall be unlawful for any person to dig up, remove or deface any survey monument or corner post or stake, now or hereafter planted or established by the City Surveyor, or by his authority, within the limits of the City.

SEC 2. Any person or persons violating Section 1 of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not less twenty-five nor more than one

hundred dollars, and shall be imprisoned until such fine and costs are paid, not exceeding twenty days, and shall be further liable in a civil action for the expense of re-establishing said monument.

SEC. 3. This ordinance to be in force from and after its passage and publication.

Passed the Common Council May 27, 1879.

C. E. WHITNEY,
City Clerk.

Approved, May 30, 1879.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 55.

AN ORDINANCE TO PREVENT THE OBSTRUCTION OF THE PUBLIC STREETS
AND SIDEWALKS.

The City of Walla Walla does ordain as follows:

SECTION 1. It shall be unlawful for any auctioneer or peddler to obstruct any of the streets or sidewalks of this City by collecting thereon articles for sale by public outcry, or to hold any auction sale on any sidewalk or public street in this City, unless by special permit of the Mayor of the City for such sale.

SEC. 2. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor and, on conviction thereof, shall be fined in any sum not less than five nor more than twenty-five dollars for each offense, and shall stand committed until such fine be paid.

SEC. 3. No person or persons shall feed their teams in the public streets in front of any public building or private residence, without the consent of the owner or owners or residents therein, and any person offending against this provision shall be fined in the sum of five dollars.

SEC. 4. This ordinance to be in force from and after its passage and publication.

Passed the Common Council October 7, 1878.

C. E. WHITNEY,
City Clerk.

Approved, October 9, 1878.

JAMES MCAULIFF,
Mayor

ORDINANCES OF THE

ORDINANCE NO. 56.

AN ORDINANCE TO ESTABLISH THE RATES AND FARES FOR HACKS AND CARRIAGES IN THE CITY OF WALLA WALLA.

The City of Walla Walla does ordain as follows:

SECTION 1. It shall be unlawful for any person to charge or demand for the transportation of passengers any other or greater fare than as follows.

To or from the railroad depot, to or from any part of the City with one passenger and 50 pounds of baggage, fifty cents.

From any part of the City to the garrison or race track, one dollar.

From one part of the City to another, fifty cents.

SEC. 2. Any person demanding or collecting a higher rate than herein established shall be deemed guilty of a misdemeanor and shall, on conviction, for each offense be fined five dollars and costs of conviction.

SEC. 3. This ordinance to be in force from and after its passage and publication.

Passed the Common Council, October 7, 1879.

C. E. WHITNEY,
City Clerk.

Approved, October 9, 1879.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO 57.

AN ORDINANCE ESTABLISHING AND REGULATING THE POLICE OF THE CITY OF WALLA WALLA.

The City of Walla Walla Does Ordain as follows :

SECTION 1. That the City Marshal and one policeman shall constitute the regular police force of this City until otherwise ordered, but on petition of any number of citizens special policemen may be appointed by the vote of the Council, said policeman to possess the same power and authority as the regular police, but to receive no monthly pay from the City, and to hold their positions during the will of the Council.

SEC. 2 The City Marshal shall be the Chief of Police, and all general and special policemen shall in all cases be under his command, and any failure on the part of any policeman to obey the lawful order of the Marshal shall be cause of removal or suspension.

SEC. 3. In cases of riots or other emergencies when the City police are unable to maintain the peace the City Marshal may, with the consent of the Mayor, appoint as many special deputies as may be necessary to maintain order, who shall possess the same powers as the regular police as to arrests, etc., and who shall be paid such compensation for their services as to the Council may seem just, but said deputies shall not continue to serve after peace and order has been restored unless specially authorized by the Mayor.

SEC. 4. The Street Commissioner shall have all the authority of a regular policeman, and when required by the Marshal shall act as such. provided, however, that such order does not interfere with the discharge of his duties as Street Commissioner.

SEC. 5. This ordinance to be in force from and after its passage and publication.

Passed the Common Council October 21, 1879

C. E. WHITNEY,
City Clerk.

Approved, October 23, 1879

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 72.

AN ORDINANCE GRANTING A RIGHT OF WAY TO THE WALLA WALLA
AND COLUMBIA RIVER RAILROAD COMPANY AND ITS SUCCESSORS
IN INTEREST OVER CERTAIN STREETS AND ALLEYS
IN WALLA WALLA CITY.

The City of Walla Walla does Ordain as follows :

SECTION 1. That the Walla Walla & Columbia River Railroad Company, its successors and assigns, be and they are hereby authorized and empowered to lay down and construct its track on, over and along any street or streets, alley or alleys, lying north of the northerly line of Main street, and to maintain and operate the same, and to run their cars and locomotives over the same.

SEC. 2. Said railroad company shall at all times keep the street or streets used or occupied by them in good repair along the line of their said track, and their said rail and road bed shall be laid as near as practicable on the grade of the street and in such a manner as not to interfere with the use of the street by teams or the crossing thereof by vehicles of any kind.

SEC. 4. This ordinance to take effect and be in force from and after its passage and publication.

Passed the Common Council May 19, 1880.

C. E. WHITNEY,
City Clerk.

Approved, May 21, 1880.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 81.

AN ORDINANCE TO ESTABLISH A BASE OF GRADES FOR THE CITY
OF WALLA WALLA.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the front edge and west end of the iron door sill in the hallway of Reynolds & Day's brick building, situated on lot four (4) in block thirteen (13) on the south side of Main street, between First and Second streets, in the City of Walla Walla, be and the same is hereby established as one hundred feet above the base of grades of the said City of Walla Walla, to be the initial benchmark of all levels hereafter run in the said City.

SEC. 2. All grades or benchmarks hereafter established in the City of Walla Walla shall be established with reference to said benchmark described in Section 1 of this ordinance.

SEC. 3. This ordinance to take effect from and after its passage and approval by the Mayor.

Passed the Common Council November 26, 1880.

J. L. SHARPSTEIN,
City Clerk.

Approved, November 28, 1880.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 82.

AN ORDINANCE PRESCRIBING THE DUTY OF CITY CLERK AND SURVEYOR
IN ESTABLISHING OR ALTERING GRADES OR IMPROVEMENTS
ON STREETS OR ALLEYS.

The City of Walla Walla does Ordain as follows:

SECTION 1. As soon as any ordinance or resolution of the Common Council of the City of Walla Walla shall have passed for establishing or altering any grade or improving any street or alley of said City, the City Surveyor shall make a survey diagram and estimate of the cost of any such grade, alteration or improvement and deposit the same with the City Clerk of said City

SEC. 2. As soon as the City Clerk of said City shall have received said survey diagram and estimate, he shall file the same in his office and there keep them for the inspection of all persons interested therein, and shall make out and attest and cause to be published in two weekly publications in the newspaper doing the City printing a notice specifying such filing, the street or alley or portion thereof proposed to be improved or grade established or altered, and the kind of improvements proposed to be made.

SEC. 3. This ordinance to take effect from and after its passage and approval by the Mayor.

Passed the Common Council November 26, 1880.

J. I. SHARPSTEIN,
City Clerk.

Approved, November 28, 1880.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 85.

AN ORDINANCE CREATING A STREET DEPARTMENT.

The City of Walla Walla does ordain as follows:

SECTION 1. The committee on streets and public improvements, the City Surveyor and the Street Commissioner shall constitute a street department.

SEC. 2. The street department shall have charge of all engineering and public surveying to be done within the limits of the City of Walla Walla, including the care of all public streets, alleys, roads, highways,

parks, grounds, sewers and bridges, and the surveying of all lines of lots, streets, alleys and sidewalks, and other lines which may be surveyed by the authority of the Common Council and of all street improvements and repairs.

SEC. 3. All such engineering and surveying shall be done by the City Surveyor.

SEC. 4. In addition to the duties above specified the City Surveyor shall cause to be kept a record of all field notes of surveys, estimates of improvements or repairs, and work done in pursuance of the provisions of this ordinance or by the authority of the Common Council. And when required he shall issue certificates of surveying done for private parties.

SEC. 5. The City Surveyor shall cause to be placed line monuments and benchmarks, not farther apart than at the intersection of every third street.

SEC. 6. The City Surveyor shall take charge of all profiles of grades, and shall furnish the City Clerk with a table of grades written up to date for ready reference.

SEC. 7. The City Surveyor shall keep an office at some convenient place. All people interested shall be allowed to examine maps and profiles of grades at said office and said City Surveyor shall give to property owners, contractors and other interested parties such information as may be necessary and proper.

SEC. 8. The City Surveyor shall have supervision of the grade of all public streets and improvements in the City, and shall issue joint certificates with the Street Commissioner upon the completion of any work, either done by order of the Common Council or by the authority of permits.

SEC. 9. The City Surveyor shall be allowed a salary of fifty dollars per month.¹ When in the judgment of the street committee it shall become necessary he shall be allowed a chain-bearer or rodman for work in the field, at a compensation not to exceed two dollars and fifty cents per diem, when actually employed.

SEC. 10. All work done as above specified by order of the City of Walla Walla or in pursuance of ordinances made by said City, shall be subject to the approval of the committee on streets and public improvements.

SEC. 11. That the City Surveyor, before entering upon the duties of his office and within ten days after the approval of this ordinance,

¹ Ordinance No. 536, fixes compensation at \$5.00 per day for each day actually employed.

shall execute a bond to the City of Walla Walla in the sum of one thousand dollars, payable in United States gold or silver coin, with sufficient sureties, to be approved by his honor the Mayor, conditioned that he will well and faithfully perform the duties of his office.

SEC. 12. That the Street Commissioner shall perform the duties of his office as laid in Ordinance No. 16, and such other duties as the Common Council shall from time to time direct.

SEC. 13. All ordinances or parts of ordinances conflicting with this ordinance are hereby repealed.

Passed the Common Council December 21, 1880.

J. L. SHARPSTEIN,
City Clerk.

Approved, December 21, 1880.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 88.

AN ORDINANCE ESTABLISHING THE GRADE OF MAIN STREET IN THE CITY OF WALLA WALLA, FROM FIRST STREET TO RITZ AVENUE.

The City of Walla Walla does Ordain as follows :

SECTION 1. That the grades of Main street in the City of Walla Walla, at the intersections of the center lines shall be and are hereby established at the heights above the base of grades of said City as follows :

First street, 101.50 ; Second street, 97.70 ; Third street, 92.64 ; Fourth street, 84.77 ; Fifth street, 80.21 ; Sixth street, 75.65 ; Seventh street, 71.09 ; Eighth street, 66.53 ; Ninth street, 61.97 ; Tenth street, 57.85 ; Eleventh street, 54.05 ; Twelfth street, 49.30 ; Ritz Avenue, 44.55.

SEC. 3. This ordinance to take effect and be in force from and after its passage and approval by the Mayor.

Passed the Common Council January 4, 1881.

J. L. SHARPSTEIN,
City Clerk.

Approved January 5, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 91.

TO PROVIDE FOR KEEPING SIDEWALKS FREE FROM SNOW AND ICE.

The City of Walla Walla does Ordain as follows:

SECTION 1. That all persons occupying property on any and all streets within the corporate limits where sidewalks are laid, shall and they are hereby required to keep the same clear from snow and ice; provided, that in cases of vacant lots the owner thereof shall cause the sidewalks in front of the same to be cleared as heretofore provided.

SEC. 2. Any person failing to comply with the requirements of this ordinance shall be subject to arrest and fine in a sum not to exceed twenty dollars and costs; provided, that no arrest shall be made within eighteen hours after the cessation of any storm of snow.

SEC. 3. This ordinance shall take effect and be in force from and after its passage and publication.

Passed the Common Council January 18, 1881.

J. L. SHARPSTEIN,
City Clerk.

Approved, January 18, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 93.

AN ORDINANCE TO PROVIDE FOR NUMBERING BUILDINGS.

The City of Walla Walla does Ordain as follows:

SECTION 1. There shall be a uniform system of numbering all houses, stores, and other buildings, except sheds and outbuildings erected or to be erected within the City limits, by placing on the door or door frame of the main entrance to said buildings, or as near thereto as practicable, the number assigned thereto, as hereafter provided. Said numbers to be painted on the building or on metal or glass, or a metallic figure, used at the option of the owner, and so placed as to be readily seen from the street. The figures designating the number, whether painted or otherwise, to be not less than one and three-quarters inches in height.

SEC. 2. That the plan entitled "Plan for numbering buildings in the City of Walla Walla," reported to the Common Council by a special committee, dated January 17, 1881, be and the same is hereby adopted as the official plan for numbering buildings within the City limits.

SEC. 3. That the names of all streets intersecting with Second street and lying on the easterly side thereof shall be prefixed by the word "east," as "East Main street," "East Rose street," etc., etc. And the names of all streets intersecting with Main street, and lying on the northerly side thereof, shall be prefixed with the word "north," as "North Second street," "North Third street," etc., etc.

SEC. 4. All houses or buildings now erected shall be numbered as herein provided on or before the first day of March, 1881, and all houses or buildings hereafter erected shall be numbered before being occupied.

SEC. 5. The owner of any house or building required by this ordinance to be numbered who shall fail, refuse or neglect to comply with the provisions of this ordinance, shall, upon conviction before the City Justice, be subjected to a fine not less than five (5) nor more than ten (10) dollars.

SEC. 6. The committee on streets and public improvements are hereby authorized to cause proper numbers to be placed on all engine houses and public buildings.

SEC. 7. The City Clerk is hereby authorized and instructed to have the within-named plan framed and hung in a conspicuous place in his office for the inspection of parties interested.

Passed the Common Council January 18, 1881.

J. L. SHARPSTEIN,
City Clerk.

Approved, January 18, 1881.

JAMES McAULIFF,
Mayor.

ORDINANCE NO. 94.

AN ORDINANCE TO ABOLISH SIGNS OVER SIDEWALKS.

The City of Walla Walla does Ordain as follows:

That it shall be unlawful to place or maintain any sign or other heavy substance, except awnings, over any sidewalk in the City of Walla Walla, and any person who erects or maintains any such sign or substance aforesaid shall be fined for such offense in a sum not less than five

dollars nor more than forty dollars ; provided, that such persons as have such signs or substance now erected shall not be liable until thirty days after the publication of this ordinance

Passed the Common Council, February 1, 1881.

LE F. A. SHAW,
City Clerk.

Approved, February 2, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 97.

AN ORDINANCE TO PROHIBIT THE PURCHASE OF ANY ARTICLE OR
CONTRACTION OF ANY DEBT WITHOUT ORDER
FROM COMMITTEE.

The City of Walla Walla does Ordain as follows :

No steward or other officer of the City of Walla Walla shall purchase any article or contract any debt for said City, except upon a written order or requisition first had and obtained from that committee of the Council having charge of the particular department for which the article is required, which order or requisition shall particularly state the nature and quantity of each article, and no bill shall be allowed by order of the Council unless such order or requisition of the committee accompany the same; and each bill so presented shall contain particulars conforming to such order or requisition and the date and to whom each article was delivered, and shall be accompanied by the affidavit of the claimant that said bill is true, and that the price charged for each article is reasonable.

Passed the Common Council, March 15, 1881.

LE F. A. SHAW,
City Clerk.

Approved, March 16, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 98.

AN ORDINANCE TO PROHIBIT THE OBSTRUCTION OF STREETS, ALLEYS
AND SIDEWALKS OR DIVERT THE WATER OF MILL CREEK.

The City of Walla Walla does Ordain as follows:

No person shall obstruct, by any permanent substance, the streets,

alleys or sidewalks of the City of Walla Walla, or so obstruct or divert the natural flow of the waters of Mill creek so that the obstruction or diversion shall effect or threaten to effect or in any way jeopardize or injure any of the streets, bridges, alleys or sidewalks of said City, and any person guilty thereof shall be fined in any sum not exceeding one hundred dollars and the cost of removing the said obstruction, or of turning the waters into the proper channel, and it shall be the duty of the Street Commissioner to enforce this ordinance by complaint and removing such nuisance.

Passed the Common Council, March 15, 1881.

LE F. A. SHAW,
City Clerk.

Approved, March 16, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 102.

AN ORDINANCE TO AMEND ORDINANCE NO. 2, ENTITLED "AN ORDINANCE DEFINING OFFENSES AND FIXING THE PENALTY THEREOF."

The City of Walla Walla does Ordain as follows :

SECTION 1. That so much of Ordinance No. 2, entitled "An Ordinance Defining Offenses and Fixing the Penalty Thereof," as requires notice of failure to remove a nuisance as a condition precedent to conviction, is hereby repealed, and any person erecting, maintaining or suffering a nuisance as in said ordinance defined, shall be liable to the penalty therein prescribed without any notice except such as the publication of the ordinances give.

SEC. 2. Any person who shall permanently obstruct or injure any sidewalk in said City shall be liable to a fine of not less than the expense of repairing the same, nor more than one hundred dollars ; provided, that in case the cost of repair shall exceed one hundred dollars, the City Attorney shall commence actions in the District court to recover the damage done to such sidewalk.

Passed the Common Council April 19, 1881.

LE F. A. SHAW,
City Clerk.

Approved April 20, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCES OF THE

ORDINANCE NO. 119.

AN ORDINANCE TO PUNISH THE DISPOSAL OF SPIRITUOUS OR MALT LIQUORS TO A MINOR, OR BY FRAUDULENT REPRESENTATIONS INDUCE SAID DISPOSAL.

The City of Walla Walla does Ordain as follows :

SECTION 1. Any person who shall sell or give any spirituous or malt liquor to a minor without the permission, in writing, of the parent or guardian thereof, shall, upon conviction thereof, be fined in any sum not less than ten nor more than fifty dollars.

SEC. 2. Any minor or other person who shall, for the purpose of inducing a sale or gift of spirit or malt liquors to a minor, represent that said minor is twenty-one or more years of age, shall, upon conviction thereof, be fined in any sum not less than ten nor more than fifty dollars

Passed the Common Council, September 6, 1881.

L. F. A. SHAW,
City Clerk.

Approved, September 8, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 121.

AN ORDINANCE TO PUNISH THE DISPOSAL OF LIQUORS OR BEER ON ELECTION DAY.

The City of Walla Walla does Ordain as follows :

Any person who, in any drinking saloon within the limits of Walla Walla City, during the voting hours on any day of the City or Territorial election, shall sell or give to any person spirituous or malt liquor, shall, upon conviction, be fined in any sum not less than five nor more than fifty dollars.

Passed the Common Council, September 6, 1881.

L. F. A. SHAW,
City Clerk.

Approved, September 8, 1881.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 128.

AN ORDINANCE TO SUPPRESS HOUSES OF PROSTITUTION.

The City of Walla Walla does ordain as follows:

That any person who has the control or occupancy of any house or room within the City of Walla Walla who shall permit the same to be frequented by persons notorious for lewdness, or who conducts herself in a notoriously lewd manner to such a degree that such house or room shall acquire or maintain the general reputation of a house or room of prostitution shall be deemed guilty of a misdemeanor and shall be fined in any sum not exceeding one hundred dollars.

Passed the Common Council January 17, 1882.

LE F. A. SHAW,
City Clerk.

Approved, January 18, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 129.

AN ORDINANCE TO LICENSE AND REGULATE RUNNERS AND SOLICITORS
FOR HOTELS AND LODGING HOUSES.*The City of Walla Walla does ordain as follows:*

SECTION 1. That no person shall solicit custom from the traveling public for any hotel, lodging or boarding house until he shall have obtained a license and badge therefor.

SEC. 2. That any person desiring to follow soliciting for any hotel, boarding or lodging house shall pay (for each quarter he follows said business) for a license from said City, one and one-half dollars to the City Treasurer of said City and shall present his license to the City Marshal, who shall thereupon give such person a badge indicating his occupation, which badge shall be worn in plain sight of the public by such person while engaged in said business.

SEC. 3. That in the prosecution of said business no person shall go within twenty feet of the cars to solicit patronage, and shall use no loud, boisterous or profane language nor shall such person enter any car or baggage room for baggage, or lay hands on any baggage until so requested by the person having the custody or control of the same.

SEC. 4. Any person who shall act as a solicitor or runner, as in Section 1 mentioned, without having first obtained said license and badge, or who shall violate any of the provisions of this ordinance, shall forfeit said license and badge and pay a fine of not to exceed ten dollars.

Passed the Common Council February 21, 1882.

LE F. A. SHAW,
City Clerk.

Approved, February 22, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 133.

AN ORDINANCE IN RELATION TO KEEPING GUN POWDER AND OTHER
EXPLOSIVE SUBSTANCE.

The City of Walla Walla does Ordain as follows:

SECTION 1. No person or firm shall keep or store in any one building within the City of Walla Walla of gunpowder or other explosive powder or substance, to exceed twelve pounds, and the twelve pounds so kept shall be kept in a place easily accessible, in a box or other vessel to protect the same from sparks of fire, and marked "powder" in such a manner that it cannot be mistaken for any other substance, and in such a place that it may be seen by sunlight, and the packages containing the powder or other explosive substance, shall not be opened except between the hours of sunrise and sundown; provided, that a larger amount of kerosene and similar merchandise may be kept, but not opened except within the hours aforesaid.

SEC. 2. Any person or firm having more than twelve pounds of gunpowder or substance of similar explosive power shall store the excess in the City powder house.

SEC. 3. Each person, or firm, who stores the goods as aforesaid, in the City powder house, shall provide therefore a separate secure box or vessel, secured by lock, and with the name of the owner marked thereon, which shall contain all his or their powder or other said substance at said powder house, and shall keep the said box or vessel locked at all times, except when actually depositing or taking powder or other substance therefrom. And no person shall enter said powder house, except the City Marshal or person having express license from him, and said

City Marshal shall keep the key to said powder house securely, and keep said house continually locked except when it is necessary to open the same for use.

SEC. 4. No one shall enter the powder house except between the hours of sunrise and sunset

SEC. 5. That at the discretion of the City Marshal, powder or other explosive substance aforesaid, may be left at the railroad depot secured from fire for twenty-four hours after its arrival, and if said powder or other substance is not then removed, he shall cause the same to be removed to the City powder house and there kept until the freight, drayage, and storage is paid, and the same taken by the owner, and if the owner does not redeem and take the powder or substance within thirty days, the Marshal, shall, on ten days notice in the City newspaper describing the packages and name of consignee and the amounts of the different liens, including freight, storage, drayage, and cost of sale, proceed to sell the same at auction, to the highest bidder, and deposit the proceeds, less his costs of sale, in the City Treasury; provided, such powder or substance so sold, shall be subject to the same law of storage as other powder or explosive substance.

SEC. 6. No powder or other similar explosive substance to exceed twelve pounds by one person shall be transmitted from one place to another within the City, or unloaded from one conveyance to another, except between the hours of sunrise and sundown. In all cases the said powder or substance shall be kept securely covered, and kept from any position exposing it to explosion, and no person shall import or keep within the City limits any such powder or explosive substance except the nature thereof shall be plainly marked on the outside of each package so that all persons may readily perceive such nature.

SEC. 7. It shall be especially the duty of the fire warden or wardens to visit every place where he or they may suspect any gun powder or other explosive substance is kept and enforce this ordinance; and it shall be the duty also of the Marshal and each police officer to see that this ordinance is enforced.

SEC. 8. Each person or firm storing powder or other explosive substance aforesaid in the City powder house shall pay to the City Treasurer the sum of three dollars for a license to do so for each and every quarter-year, whereupon the Treasurer shall issue a license therefor.

SEC. 9. Upon the request of any such licensed person or firm the City Marshal shall permit him or them, between the hours of sunrise and sundown, to have access to the powder house, to take therefrom or deposit therein powder or other explosive substance aforesaid, but for no other purpose; and no such permit shall be given except to adult, sober,

careful persons ; provided, that said City Marshal may in his own discretion enter said powder house at any hour between sunrise and sundown.

SEC. 10. No person shall go within fifty feet of said powder house with matches or fire, or any article liable to ignite, upon or about his or her person, and no loose powder or any substance easily ignited shall be suffered to be in or about said powder house ; and the floor and other parts of said house shall be kept in such a manner that there will be no danger of fire from concussion by nails in boots or the like, and no hammer or steel or iron substance shall be used in or about the powder house while powder is stored therein.

SEC. 11. The City Marshal shall be custodian of the powder house and shall inspect the same as often as once a week and oftener if he has reason to fear danger, and keep the same in the manner prescribed in this ordinance.

SEC. 12. Any person violating any of the provisions of this ordinance shall be fined in any sum not less than ten nor more than one hundred dollars.

Passed the Common Council March 21, 1882.

LE F. A. SHAW,
City Clerk.

Approved, March 22, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 135.

AN ORDINANCE IN RELATION TO THE CITY CEMETERY.

The City of Walla Walla does Ordain as follows :

SECTION 1. The lots in the City Cemetery are hereby divided into four classes, as follows :

Lots of the dimensions of 20x42½ feet shall be known as the first-class.

Lots of the dimensions of 20x30 feet shall be known as the second class.

Lots of the dimensions of 10x20 feet shall be known as the third class.

Lots of the dimensions of 10x12 feet shall be known as the fourth class.

Lots of the dimensions not specified in this ordinance shall be classed with those of the nearest dimensions thereto, as herein shown.

SEC. 2. The price of lots of the first class shall be twenty-five dollars; of the second class, twenty dollars; of the third class, fifteen dollars; and of the fourth class, ten dollars.

SEC. 3. Any person wishing to purchase a lot or lots in said cemetery shall pay to the City Treasurer the price thereof, and shall deposit the Treasurer's receipt for the money so paid with the Sexton before being allowed to occupy any part of the lot or lots purchased.

SEC. 4. The Sexton shall endorse on said receipt a correct description of the lot or lots selected, with the name of the purchaser thereof, and within three days thereafter shall file said receipt so endorsed, with the City Clerk, and within three days after the filing of the Treasurer's receipt with the City Clerk, the said Clerk shall make and deposit with the Treasurer for delivery to the purchaser, a deed from the City of Walla Walla to the purchaser of the lot or lots described by the Sexton on said Treasurer's receipt.

SEC. 5. The Sexton shall make note of each sale made, on the plat of the cemetery, and the City Clerk shall keep a record of each deed issued in a book kept for that purpose.

SEC. 6. All lots hereafter laid off by the City shall correspond as near as may be to lots of the fourth class.

SEC. 7. Ordinance No. 79, entitled "An Ordinance Relating to the Sale of Lots in the Walla Walla City Cemetery," passed the Council October 8, 1880, is hereby repealed.

Passed the Common Council April 4, 1882.

L. E. F. A. SHAW,
City Clerk.

Approved, April 5, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 139

AN ORDINANCE TO CREATE ASSESSMENT AND TAXATION DISTRICTS IN THE CITY OF WALLA WALLA AND PROVIDE FOR GRADING AND GRAVELING STREETS AND ALLEYS AND FOR CONSTRUCTING SIDEWALKS AND CROSSWALKS, AND KEEP ALL CLEAN AND IN REPAIR AT THE EXPENSE OF THE ASSESSMENT DISTRICT WHEREIN THE IMPROVEMENT OR CLEANING IS DONE.

The City of Walla Walla does ordain as follows:

SECTION 1. That the City of Walla Walla be and the same is hereby divided and created into assessment districts for the purpose of grading and graveling streets and alleys and constructing side and crosswalks and keeping all clean and in repair at the expense of the assessment district wherein the improvement or cleaning is done, as follows :

According to the plat of said City and the additions thereof, each block having an alley is created into two districts, each district extending from the center of each alley and including the half block extending each way, embracing all the land in the half block and the adjacent streets and sidewalks each side thereof to the center of the streets abutting the same. And all those blocks which have no alley, embracing each street and sidewalk abutting thereon to the center of the street each way is created into one assessment district each. And all that part of the City which is not divided into blocks as per said plats is created into assessment districts as follows: Each parcel of land abutting a street shall run to the next abutting street opposite and in the opposite direction from the nearest street each side; or if on one side there be no street then on that side to the City boundary, and shall embrace all the land within such boundary extending to the center of the street each side thereof.

SEC. 2. It shall be the duty of the inhabitants of each assessment district to grade and gravel the streets and construct side and crosswalks in their district when required so to do by resolution of the City Council, and at all times keep the streets, alleys, sidewalks and crosswalks clean and in repair in their respective districts.

SEC. 3. If the inhabitants in their respective districts shall fail to keep the alley, streets, sidewalks and crosswalks clean and in good repair, if the same become offensive or dangerous on account of such failure it shall be the duty of the Street Commissioner to immediately so far clean or repair the same as to remove the offense or danger, and no more, and charge the same to the assessment district where such work is done. All other cleaning or repairing which is failed to be done by the inhabi-

tants of a district shall be done under and according to the provisions of the charter of the City of Walla Walla and its amendments providing for street grades and improvements.

SEC. 4. If the inhabitants of any assessment district shall fail to provide for the grading and graveling of any street or the construction of any side or crosswalk, or repair the same, for ten days after the Council shall so resolve, then the Council and City officers shall proceed to have the improvement made according to said provisions of the City charter.

SEC. 5. All improvements made under this ordinance, either voluntary by the inhabitants or otherwise, shall be made under and according to the directions of the street department of said City.

SEC. 6. The City Assessor is hereby appointed to be ex-officio assessor of each district and his annual assessment of the land in each assessment district in the general assessment each year shall be the special assessment of each year and shall be equalized at the same time and in the same manner as the said other annual assessment, and the value of land so ascertained in each district shall be the basis of all taxes until the next annual assessment thereafter, and taxes shall be levied thereon according to value in each district sufficient to pay all expenses for cleaning and improvement of streets therein, and said levy may be made at any time when any district is in arrears, and shall be collected in the manner provided in the City charter and amendments, for collecting of assessments for street grades and improvements, and all sums collected in each district shall be kept by the City Treasurer separate to the credit of such district and shall be applied only for the cleaning or improvements therein.

Passed the Common Council May 2, 1882.

I. E. F. A. SHAW,
City Clerk.

Approved. May 3, 1882.

JAMES MCAULIFF,
Mayor

ORDINANCE NO. 141.

AN ORDINANCE TO PUNISH PERSON WHO SMOKE OR INHALE
OPIUM, OR KEEP A HOUSE, ROOM, CELLAR OR
OTHER PLACE FOR SUCH PURPOSE.

The City of Walla Walla does Ordain as follows:

SECTION 1. Any person or persons who shall hereafter keep, with-

ORDINANCES OF THE

in the corporate limits of the City of Walla Walla, a house, cellar, or place in which such person or persons, or any other person or persons smoke or inhale opium shall be deemed guilty of a misdemeanor, and upon conviction thereof before the City Justice, shall be fined in any sum not exceeding one hundred dollars.

SEC. 2. Any person or persons who shall visit such house, cellar, or place for the purpose of smoking or inhaling opium, shall be deemed guilty of a misdemeanor, and upon conviction before the City Justice, shall be fined in any sum not exceeding one hundred dollars.

SEC. 3. It shall not be necessary in order to prove the guilt of any person or persons keeping such house or other place for smoking or inhaling opium, that any one shall be found smoking or inhaling therein, but the finding of pipe or pipes, opium, or other appliances such as are used for the purpose of smoking or inhaling opium, therein, shall be deemed sufficient evidence of the violation of this ordinance. Nor shall it be deemed necessary, in order to prove the guilt, or to convict any person or persons of smoking or inhaling opium, that they shall be found in the act of smoking or inhaling it, but evidence that such person or persons were found in such house or other place in possession of opium, pipe or pipes, or under the influence of opium, shall be deemed sufficient evidence for conviction.

Passed the Common Council July 11, 1882.

L. E. F. A. SHAW,
City Clerk.

Approved, July 12, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 142.

AN ORDINANCE TO PROHIBIT MINORS BEING PRESENT AT GAMES AND
TO PUNISH THOSE PERMITTING THE SAME.

The City of Walla Walla does ordain as follows:

SECTION 1. Any person or persons who shall have under his control any game or gambling device, or control of any house or place wherein the game or gambling device is used, who suffers or permits a minor to be present while such game is going on, or permits such minor to participate in such game, shall, on conviction thereof, be fined in any sum not exceeding one hundred dollars.

SEC. 2. A game or gambling device, within the meaning of this ordinance, is an agreement that one person or more than one person, shall gain from what one person or more than one person shall lose upon the happening or not of some agreed event, which is expected to occur, according to the rule of using an appliance or appliances, or instrument or instruments, and which happening of event at the time the stake is agreed upon, appears to be uncertain to one or more of the parties acting with the appliance or instrument, or the happening of which event appears to be certain to occur to one of the parties, and certain not to occur to the opposite party; and it is immaterial by what appliance or appliances, instrument or instruments the said contingency is to be brought to happen, whether by cards, tickets, balls, the striking of a projectile or projectiles, or any other thing, and loss and gain is anything of value, or a part thereof, whether money or other thing, or the payment or promised payment for any thing to eat, drink, chew, or smoke, or any thing which is thought or believed to be valuable or desirable by one of the parties.

Passed the Common Council, July 11, 1882.

LE F. A. SHAW,
City Clerk.

Approved, July 12, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 147.

AN ORDINANCE TO REGULATE CELLARWAYS AND LIGHTS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That no aperture, excavation, cellarway or steps shall be made, allowed, or maintained within the City of Walla Walla, in or upon the sidewalks thereof except the same be permitted by a special ordinance, specifying the locality and dimensions thereof, and the person desiring to maintain the same giving a bond with sufficient security, approved by the Council, payable to the City, to have the same protected, maintained, and kept in accordance with the provisions of this ordinance.

SEC. 2 All cellarways to cellars which are not used for actual business places, for retail of beer, liquor or other place of retail sales shall be covered with a door which shall be sufficiently solid and strong to support foot travelers, and be so constructed that when shut they shall be

even with and form a part of the sidewalk, and the doors shall not be opened except in the day time, and when opened shall have a person stationed thereat to act as a guard and warn the public of the danger thereof.

SEC. 3. All cellarways leading to cellars used for retail sales shall be protected with a solid, substantial railing, at least three feet high on all sides, except the direct entrance upon the stairs, and such entrance shall be protected by a substantial gate of the same height as the railing, and said gate shall be kept shut at all times when the cellar is not in actual use for the purposes aforesaid, or while the same is not so used, when persons are actually passing through such gate, and while said cellars are in actual use for retail as aforesaid, and the gate to the cellarway is left open, the person occupying the cellar shall cause the cellarway to be kept lighted during all the time the gate shall be left open in the night time.

SEC. 4. All cellar lights in sidewalks shall be so constructed and maintained as not to incommode or endanger travelers on the sidewalk.

SEC. 5. Any person who shall maintain or keep a cellarway or cellar lights in a manner which shall not conform to the provisions of this ordinance shall be fined in any sum not less than ten nor more than one hundred dollars and each maintenance after each complaint filed shall be deemed a new offense, and each person so violating this ordinance, in addition to such fine, shall be liable for any and all damage which may happen to any person or persons from any accident which shall occur on account of any failure to comply herewith, and the owner as well as the occupant of the premises shall be both and each liable to a fine and damages as aforesaid.

SEC. 6. It shall be the special duty of the Street Commissioner and the general duty of the City Marshal and each policeman to enforce this ordinance by complaint to the Justice of the Peace for the City and other proper proceedings, and it shall also be the duty of the City Attorney to enforce the provisions of this ordinance.

Passed the Common Council July 28, 1882.

LE F. A. SHAW,
City Clerk.

Approved, July 29, 1882.

JAMES McAULIFF,
Mayor.

ORDINANCE NO. 150.

AN ORDINANCE TO SUPPRESS THE UNHEALTHFUL USE OF OPIUM.

The City of Walla Walla does Ordain as follows :

SECTION 1. It shall be unlawful for any person within corporate limits of the City of Walla Walla to keep, sell or dispose of any opium, or any of its extracts or compounds ; provided, that this section does not apply to regular physicians keeping said drug for use in their profession, or to druggists or apothecaries keeping the same for sale on prescription of physicians.

SEC. 2. It shall be unlawful for any person to sell or dispose of any opium or any of its compounds or extracts, except druggists or apothecaries ; nor shall any druggist or apothecary sell or dispose of any of the drugs aforesaid, except upon the prescription of a regular physician ; provided, however, that the extracts or compounds referred to in this and the preceding section shall be construed as referring to such extracts or compounds only as are prepared for inhaling or smoking.

SEC. 3. It is hereby made the duty of every druggist and apothecary doing business within the corporate limits of said City, to keep a record of each sale of said drug, with the name of the purchaser, and the physician who prescribed the same, which record shall at all times be open to the inspection of the police and City Attorney, and a failure to keep said record as aforesaid shall be deemed a violation of this ordinance.

SEC. 4. It shall be unlawful for any person, while within the corporate limits of said City, to inhale or smoke opium or any of its compounds or extracts.

SEC. 5. It shall be unlawful for any person within said City to prepare for smoking or inhaling, any opium, its extracts or compounds, or to keep the same after it is so prepared.

SEC. 6. It shall be unlawful for any person within said City to keep any pipe or appliance made to smoke or inhale said drug or fitted therefor.

SEC. 7. It shall be unlawful for any person to smoke or inhale opium or any of its extracts or compounds, upon any land, or within any tenement or place over which he has control, or permit any other person to do so.

SEC. 8. Any person failing to perform the duties prescribed by this ordinance, or who shall violate this ordinance or perform any act declared unlawful thereby, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding one hundred dollars, and all drugs, or pipes, or appliances kept in violation of this

ordinance are hereby declared forfeited, and shall be so adjudged by the court; provided, that the value of the things forfeited and the fine shall, when conjoined in one judgment, not exceed one hundred dollars.

SEC. 9. It shall be the duty of the Marshal and each policeman to enforce this ordinance, and to arrest each and every violator thereof, and to seize all drugs, pipes, and appliances used or kept contrary to the provisions hereof and to make complaint against such person or thing. When the person arrested claims to be or is the owner of the drug, pipe, or other appliance seized, the complaint may embrace both the person and the article, and in case of the seizure of any of the articles aforesaid, and no arrest of the person, then the complaint may be made against the article only, in which case the officer making the seizure shall post notices at the place of seizure, and also at the door where the court is held, stating the time and place the case will be heard, which said hearing shall be at least three days after the notices are thus posted.

SEC. 10. If at the hearing of a complaint it appears that the things mentioned therein were kept contrary to this ordinance, the Justice shall adjudge the same forfeited, and that the same shall be destroyed, and issue a writ of execution accordingly, which writ shall be immediately obeyed by the Marshal.

SEC. 11. Though direct evidence of the violation of this ordinance shall be sufficient to convict, it shall not be necessary, but any circumstantial evidence which satisfies the Justice or jury that the complaint is true shall be sufficient and among these circumstances it shall be admissible to prove the odor of the premises; that a person is under the influence of opium; that opium is kept by a person or on premises without having been prescribed as provided; the possession of a pipe or instrument for inhaling or smoking opium, and any of such evidence which is sufficient to satisfy the court or jury that this ordinance has been violated, shall be sufficient to convict; and evidence proving that opium or opium pipes are kept in a house, shall be, if unexplained, sufficient to convict the lessee or other person having control of the premises, of a violation of this ordinance.

SEC. 12. Ordinances No. 28 and No. 75 and all ordinances heretofore passed on the same subject matter as this ordinance are hereby repealed.

Passed the Common Council October 3, 1882.

LE F. A. SHAW,
City Clerk.

Approved, October 4, 1882.

JAMES McAUIFF,
Mayor.

ORDINANCE NO. 154.

ORDER IN THE COMMON COUNCIL OF THE CITY OF WALLA WALLA.

The City of Walla Walla does Ordain as follows:

SECTION 1. That in all cases wherein the Common Council shall not have adopted other rules or orders it shall be governed by the rules and orders which are set forth in the "Manual of Rules of Order for Deliberative Assemblies," by Major Henry M. Roberts, edition of 1880.

SEC. 2. That the president of the Common Council is absolute judge of rules and orders of the Council and of what is a violation thereof, until his decision thereof is reversed on appeal, and it shall be the duty of each member to comply with his decision and any order or command he may make and to do so without remonstrance or debate; and if any member shall fail to comply with such command or order the Marshal shall, upon order of the president, immediately arrest such member and so restrain him that he shall not interfere with the deliberations of the Common Council.

SEC. 3. Any member of the Common Council may appeal from the ruling or the order of the president to the whole Council, which appeal is taken by any member arising to his feet and addressing the president, saying: "I appeal from the ruling of the president;" provided, such appeal shall be taken before any other business shall have been taken up by the Council after the ruling of the president from which the appeal is taken, and not otherwise.

SEC. 4. Immediately after an appeal is taken the president shall state the question to the Council in these words: "Shall the ruling of the president be sustained?" and after the question is so stated each member may speak upon the question once only and not to exceed ten minutes, when said question shall be put to the Council and the vote taken down in yeas and nays, and unless a majority shall vote nay the order of the president shall stand; if a majority do vote nay then the ruling or order of the president is set aside and held for naught.

SEC. 5. If any person, by disorderly conduct, shall interfere with or disturb the deliberations of the Council, upon the order of the president, the Marshal shall immediately arrest him and so dispose of him as to prevent further interference during the session at which the interference or disturbance is made.

SEC. 6. A wilful violation of the deliberations of the Common Council by a member thereof, or other person, or a wilful refusal of the president to entertain and to put to vote an appeal, or his disobedience to the decision upon appeal, shall be deemed an offense of which the

ORDINANCES OF THE

Justice of the Peace for the City of Walla Walla shall have jurisdiction, upon complaint of the president or some member of the Council, and not otherwise.

SEC. 7. Any person convicted of the offense herein mentioned shall be fined by the said Justice of the Peace in any sum not exceeding one hundred dollars.

Passed the Common Council November 21, 1882.

L. E. F. A. SHAW,
City Clerk.

Approved, November 22, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 157.

AN ORDINANCE TO PROHIBIT OBSTRUCTIONS OF MILL CREEK.

The City of Walla Walla does Ordain as follows :

SECTION 1. That no person shall narrow the present channel of Mill creek within the limits of the City of Walla Walla, or put in the said creek any obstruction to the flow of the current thereof without having first obtained a permit therefor, specifying the locality of abutment, pier, piling or fill, and the kind and nature thereof and the manner in which it is to be made, from the street department of said City, and all work done under said permit shall be done under the supervision of said department and according to its directions.

SEC. 2. It shall be the duty of the street department to immediately cause a survey of the channel and banks of Mill creek within said City and so much thereof as may be necessary to protect said City, both above and below said City, to be made, and mark and describe the boundaries and banks thereof, to the narrowest limit deemed consistent with the safety of said City, with the necessary turns and windings to preserve property and cause a plat to be made thereof; provided that the channel of said creek shall not be less than fifty feet at any place within said City.

SEC. 3. The City Attorney shall sue out a writ of injunction or institute other proceedings to prevent any person from violating this ordinance.

Passed the Common Council, December 19, 1882.

LE F. A. SHAW,
City Clerk.

Approved, December 20, 1882.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 161.

AN ORDINANCE TO REGULATE THE USE OF SIDEWALKS, STREETS,
AND GROUNDS ADJACENT FOR BUILDING AND
OTHER PURPOSES.

The City of Walla Walla does Ordain as follows:

SECTION 1. That no person shall use the streets or sidewalks of said City with material or for building purposes except said person shall first procure a license therefor.

SEC. 2. Any person desiring to use the streets or sidewalks of said City for building material or for building purposes may obtain a license therefor by making out a written request stating the locality of the proposed building and its dimensions, the particular portion of the street and sidewalk necessary to be occupied, the time when such occupancy is needed, and shall commence and continue, and having the Street Commissioner approve the same, and by filing his said application so approved with the City Clerk together with his bond to the City and to the effect that during said occupancy that he or she will keep said place so used, comprising the street, sidewalk and adjacent ground, so protected and lighted as to prevent all danger to the traveling public and that the street and sidewalk shall be left in good repair.

The said bond shall be in such amount and with such surety as shall be approved by the City Clerk, whereupon the Clerk shall issue a license and he shall report the bond to the City Council, and unless the said Council shall disapprove said bond the same shall be held approved; and if the Council disapprove said bond then it shall direct what bond shall be given and the Clerk shall notify the person giving such bond of such disapproval and the nature of the bond required, whereupon, unless the person having the license file a bond with the City Clerk complying with the said requirements within two days after such notice, the license shall be revoked by said Clerk.

SEC. 3. All excavations made on any street, sidewalk or ground adjacent shall be protected so as to prevent danger to the traveling public by fencing and during the night time by lights and according to the directions and approval of the Street Commissioner, who shall have supervision of and control of all such matters, subject to the approval or disapproval of the Council, which body shall control all such action of the Street Commissioner as it may deem public interests require; and any person violating said provisions shall, upon conviction, be fined in any sum not exceeding one hundred dollars.

SEC. 4. No person shall be allowed to use any of the sidewalks, streets or grounds adjacent for any other purpose than for such as a license is herein provided, and such use shall be deemed a misdemeanor and upon conviction subject the offender to a fine not exceeding fifty dollars.

Passed the Common Council, January 2, 1883.

LE F. A. SHAW,
City Clerk.

Approved, January 3, 1883.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 185.

AN ORDINANCE TO DIVIDE THE CITY OF WALLA WALLA INTO WARDS,
AND APPORTIONMENT OF COUNCILMEN.

The City of Walla Walla does Ordain as follows:

SECTION 1. The City of Walla Walla shall be and is hereby divided into four wards, to be known as the first, second, third, and fourth wards.

SEC. 2. The first ward shall be bounded as follows:

Commencing at a point where the center of Main street intersects the center of Third street, thence southerly along the center of Third street to the center of Birch street; thence easterly along the center of Birch street to the center of Second street; thence southerly along the center of Second street to the south boundary of the City; thence along the south boundary of the City easterly to the southeast corner of the City; thence northerly along the east boundary of the City to the center of Mill creek; thence down Mill creek to the center of East Main street; thence along the center of East Main and Main streets in a westerly direction to the place of beginning.

Sec. 3. The second ward shall be bounded as follows :

Beginning at the intersection of Main and Third streets ; thence southwesterly along the center of Main street to the west boundary line of the City ; thence south along the west boundary line of the City to the southwest corner of the City ; thence easterly along the south boundary of the City to the center of Second street ; thence northerly along the center of Second street to the center of Birch street ; thence west along the center of Birch street to the center of Third street ; thence northerly along Third street to the place of beginning.

SEC. 4. The third ward shall be bounded as follows :

Beginning at the center of Main and North Third streets where they intersect, thence running northerly on the center line of North Third street to the center of Elm street ; thence northeasterly on the center line of Elm street to the center of North Second street ; thence northerly on the center line of North Second street to the northern boundary line of the City ; thence east along said northern boundary line of said City to the northeast corner of the northwest quarter of the northeast quarter of section twenty (20), in township seven (7) north, range thirty-six (36) east ; thence south to the northeast corner of the southwest quarter of the northeast quarter of said section twenty (20) ; thence east to the northeast corner of the City ; thence south to the center of Mill creek ; thence down the center of Mill creek to the center of East Main street ; thence westerly along the center of East Main and Main streets to the place of beginning.

SEC. 5. The fourth ward shall be bounded as follows :

Commencing at the center of Main and North Third streets where they intersect, thence running northerly on the center line of said North Third street to the center of Elm street ; thence northeasterly on the center line of Elm street to the center of North Second street ; thence northerly on the center line of North Second street to the northern boundary line of the City ; thence west on said northern boundary line to the northwest corner of said City ; thence south along said west boundary line to the United States military reservation ; thence easterly and then southerly on the line of said military reservation to the center of Main street ; thence easterly on the center line of Main street to the place of beginning.

SEC. 6. The number of Councilmen to which each ward is entitled shall be as follows :

First ward, two Councilmen.

Second ward, two Councilmen.

Third ward, two Councilmen.

Fourth ward, one Councilman.

And they shall be elected as is provided in Section 7 of this ordinance.

SEC. 7. There shall be elected from the First, Second and Third wards each at the next general election and at every general election thereafter, one Councilman, and in the Fourth ward at the next general election and thereafter biennially, one Councilman.

SEC. 8. All ordinances and parts of ordinances, so far as they conflict herewith, are hereby repealed.

Passed the Council, February 22, 1884.

L. E. F. A. SHAW,
City Clerk.

Approved, February 22, 1884.

T. R. TANNATT,
Mayor.

ORDINANCE NO. 189.

AN ORDINANCE TO PROTECT THE CEMETERY AGAINST FIRE.

The City of Walla Walla does Ordain as follows:

SECTION 1. That with the exception of a coping on the walls or small head or foot boards there shall be no combustible material used within the City cemetery.

SEC. 2. Any person violating Section 1 of this ordinance shall be deemed a trespasser and upon conviction thereof shall be fined in any sum not exceeding twenty dollars.

Passed the Common Council April 3, 1884.

L. E. F. A. SHAW,
City Clerk.

Approved, April 3, 1884.

W. P. WINANS,
Acting Mayor.

ORDINANCE NO. 190.

AN ORDINANCE TO GRANT THE PRIVILEGE OF ERECTING AND
MAINTAINING TELEGRAPH AND TELEPHONE APPARATUS IN
THE STREETS AND ALLEYS OF THE CITY OF WALLA
WALLA UNDER CERTAIN CONDITIONS.

The City of Walla Walla does ordain as follows:

SECTION 1. That any person or persons may use the streets and alleys of the City of Walla Walla for telegraphs and telephones, but upon the following conditions only :

First—That the wires shall be supported by safe and substantial means at a distance of not less than twenty feet from the surface of the ground where the same crosses any street or alley.

Second—That the places where the poles are set or maintained shall be such as to do as little damage to or obstruction to the streets and alleys as is consistent with the effective construction and maintenance of the work.

Third—That any person or persons who use the streets and alleys for telephone exchange shall furnish, free of charge, proper connections, so that each fire engine house may be connected therewith and may use the system for fire alarms.

Fourth—That the erection and maintenance of the apparatus of said system in the streets and alleys of said City shall be under the control of the street department, which shall designate the places and kind of posts or poles and fastenings and everything which pertains to the safety of the public, and may order and compel any changes necessary for the safety and convenience of the public in the use of the streets and alleys and shall cause all the things done in the streets and alleys to be done in such a way as to cause as little inconvenience and danger to the public as is compatible with the effective erection and maintenance of said apparatus and said department shall have power to cause said apparatus to conform to the public interest, as aforesaid, in its original erection and in any change deemed necessary, at the expense of the owners of said apparatus, and the City shall have a lien on said apparatus for any cost so incurred.

Fifth—The owners of any apparatus above mentioned shall indemnify the City for any damage which the City shall suffer from any accident to person or property occasioned by the apparatus of or for the said telegraphs or telephones.

Sixth—The provisions of this ordinance shall apply to all telegraphic apparatus already in said City.

Passed the Council, April 3, 1884.

L. E. F. A. SHAW,
City Clerk.

Approved, April 3, 1884.

W. P. WINANS,
Acting Mayor.

ORDINANCE NO. 193.

AN ORDINANCE GRANTING THE CITY WATER COMPANY THE RIGHT TO
LAY WATER PIPES IN THE STREETS AND ALLEYS OF THE CITY
OF WALLA WALLA FOR THE TERM OF 25 YEARS, AND
TO CONDEMN PROPERTY FOR THAT PURPOSE.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the City Water Company, a corporation organized under the laws of Washington Territory, be and it is hereby authorized and empowered to lay down water pipes through the streets and alleys of the City of Walla Walla, and for that purpose may enter upon and dig up such portions of such streets and alleys as may be necessary to the proper laying down of said pipes, and maintaining and repairing the same, upon condition that said company shall, as soon as said work can be done, restore said streets or alleys to as good condition as they were in prior to laying down said water pipes, and that said company shall, in case said streets or alleys are injured by reason of the leaking or bursting of the said pipes, repair the same with all convenient dispatch; provided always, said company shall hold the said City harmless from any injuries growing out of the use of the rights herein granted.

SEC. 2. The rights hereby granted shall continue for twenty-five years from this date; provided that nothing herein contained shall be so construed as to prevent or abridge the right of said City to lay down water pipes for the supply of said City with water in any street or alley in said City during said time; nor to grant similar rights to other individuals or corporations, and provided further, that said company pay the expense of publishing this ordinance.

SEC. 3. The City Water Company aforesaid shall have the right and privilege, and it is hereby authorized, to purchase or take possession

of and use and hold all lands lying without or within the City of Walla Walla necessary or convenient for laying pipes and constructing and maintaining water works upon making compensation therefor.

Passed the Council May 6, 1884.

LE F. A. SHAW,
City Clerk.

Approved, May 6, 1884.

W. P. WINANS,
Acting Mayor.

ORDINANCE NO. 195.

AN ORDINANCE GRANTING A RIGHT-OF-WAY TO THE MILL CREEK FLUME
& MANUFACTURING CO., AND ITS SUCCESSORS IN INTEREST
OVER CERTAIN STREETS AND ALLEYS IN
WALLA WALLA CITY.

The City of Walla Walla does ordain as follows:

SECTION 1. That the Mill Creek Flume & Manufacturing Company, its successors and assigns, be and are hereby authorized to lay down, construct and maintain its track on, over and along the alley running through blocks 29, 30, 31 and 32, in Cain's addition to Walla Walla City, and across Idaho, Touchet, Tukannon and Palouse streets at their intersections with said alley.

SEC. 2. Said company are hereby authorized and empowered to maintain and operate their main line of road as now located within the boundaries of Walla Walla City, and to run its cars and locomotives over the same.

SEC. 3. Said company shall at all times keep the street crossings used or occupied by them in repair along the line of said track, and said road-bed shall be laid as near as practicable on the grades of streets occupied by them.

Passed the Council, July 1, 1884.

LE F. A. SHAW,
City Clerk.

Approved, July 1, 1884.

T. R. TANNATT,
Mayor

ORDINANCES OF THE

ORDINANCE NO. 214.

AN ORDINANCE REGULATING CONTROL AND CARE OF CITY BUILDINGS AND PROPERTY.

The City of Walla Walla does Ordain as follows:

SECTION 1. That all buildings owned by the City of Walla Walla, or rented by said City for City use, shall be and are hereby placed in charge of and under control of the fire and water committee of the City Council as to use, occupancy and care, subject to direction of the City Council.

SEC. 2. That no person shall occupy any part of any City building except under authority of the fire and water committee or City Council.

SEC. 3. That the pest house shall be under control of the committee on health and police, and City cemetery buildings under control of the cemetery committee.

SEC. 4. That no part of this ordinance shall prevent the use or control of any City building used as a jail or place of confinement of prisoners by proper City officers.

Passed the Common Council, October 7, 1884.

LE F. A. SHAW,
City Clerk.

Approved, October 7, 1884.

T. R. TANNATT,
Mayor.

ORDINANCE NO. 217.

AN ORDINANCE TO ESTABLISH AND ORGANIZE THE FIRE DEPARTMENT OF THE CITY OF WALLA WALLA.

The City of Walla Walla does Ordain as follows:

SECTION 1. The fire department of the City of Walla Walla is hereby established and organized as follows:

The present Tiger Company No. 2, shall be denominated Tiger Steam Fire Company No. 1, and the present Rescue Company No. 2, shall be denominated Rescue Steam Fire Company No. 2, and are admitted with their present members, officers, constitution and by-laws, provided, however, that no new members shall be admitted into either of said companies until their membership shall be reduced to forty active members for each company.

SEC. 2. The membership of each of said companies shall not be less than twenty (20) nor more than forty (40) members.

SEC. 3. The hand engine and truck shall be denominated Hook and Ladder Company No. 3, and the membership of said company shall not be less than fifteen (15) nor more than sixty (60) active members. In the event of the formation of two distinct companies to run the hand engine and truck, the former shall have a membership of forty (40) and the latter of twenty (20) members.

SEC. 4. That new companies may be formed in the future and frame a constitution and elect their officers and when admitted by the Council shall become members of the fire department.

SEC. 5. That each company shall have the power to make constitutions and by-laws for self-government, provided that such constitutions and by-laws shall not in any way conflict with the tenor or effect of this ordinance.

SEC. 6. That there shall be a chief engineer of said fire department, who shall be an active fireman and be elected by ballot by the several active companies at a convention of said companies to be held for that purpose at one of the engine houses, on the first Monday in January of each year, and shall enter upon the duties of his office on the Monday following, at 12 o'clock, noon. No person shall be entitled to vote for chief engineer who shall not have been an active member of the department for at least sixty days prior to the date of election.

SEC. 7. The Council shall be notified of the result of such ballot at their first regular meeting thereafter.

SEC. 8. In the event of the absence of the chief engineer he may appoint a deputy who shall have the same power as said chief engineer during such absence.

SEC. 9. That the chief engineer or his deputy shall be the lawful commander of all the firemen in the department when on duty.

SEC. 10. Any person, who in any way, by disobedience of the lawful command of officers, or who in any way interferes with or hinders said companies or any of their members in the performance of their duty, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum not exceeding twenty-five dollars.

SEC. 11. During drills or fires each officer of a company and of the department shall have all the powers of a policeman according to their respective ranks, and all shall be subject to the authority of the City Marshal the same as his deputies.

SEC. 12. It shall be the duty of the chief engineer to see that the

cisterns are kept in good order and are well supplied with water for the suppression of fires and to see that the fire apparatus is kept in good condition, and it shall be the duty of the proper officers of each company to report to him any needs or wants of any company or defects in apparatus or water supply from time to time, and of the chief engineer to make a general report of the condition of the department to the Council at its last regular meeting in June and December of each year, and as often as need be any defects or wants.

SEC. 13. It shall be the duty of each company to issue an exempt certificate, signed by its secretary and the chief engineer to any of its members who shall have completed seven (7) years of active service.

SEC. 14. Ex-members of the Walla Walla fire department, who may within one year become members of any of the companies in the present department, shall be entitled to the time served as active firemen prior to joining said companies, and upon completion of the remainder of the requisite period shall be entitled to exempt certificates according to the statutes of Washington Territory.

SEC. 15. Ordinance No. 66, entitled "An Ordinance to Establish and Organize the Fire Department of the City of Walla Walla," passed December 20, 1879, and approved December 20, 1879, is hereby repealed.

Passed the Council December 2, 1884.

LE F. A. SHAW,
City Clerk,

Approved, December 2, 1884.

F. W. PAINE,
Mayor.

ORDINANCE NO. 218.

AN ORDINANCE GRANTING A RIGHT OF WAY TO THE OREGON RAILWAY
& NAVIGATION COMPANY AND ITS SUCCESSORS IN INTEREST OVER
AND ALONG THIRTEENTH AND OTHER STREETS IN THE CITY OF
WALLA WALLA, WITH THE RIGHT TO CONSTRUCT, IMPROVE,
REPAIR, KEEP, OPERATE AND MAINTAIN A RAILROAD
AND TELEGRAPH LINE THEREON.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the right to lay down, grade, construct, improve, repair, keep, operate and maintain a railroad and telegraph line over and along Thirteenth street from the southern boundary of the City of

Walla Walla, in a northerly direction to its intersection with the track of the Walla Walla & Columbia River Railroad, and thence northerly along the present route of the Oregon Railway and Navigation Company's railroad, as now laid and constructed over and along all streets and alleys of said City to the northerly boundary line of said City be and the same is hereby authorized and confirmed.

SEC. 2. The said railroad company shall make and at all times keep in good condition and repair crossings and walks over and across said railroad track in all streets crossing said track in said City not heretofore vacated whenever said streets shall be ordered improved by ordinance.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed the Council February 17, 1885.

LE F. A. SHAW,
City Clerk.

Approved, February 17, 1885.

F. W. PAINE,
Mayor.

ORDINANCE NO. 219.

AN ORDINANCE CONCERNING STREETS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the front edge and west end of the iron door-sill in the hallway of Reynolds & Day's brick building, situated on lot four (4) in block thirteen (13) on the south side of East Main street, between First and Second streets, in the City of Walla Walla, be and the same is hereby established as one hundred feet above the base of grades of the said City of Walla Walla and to be the initial benchmark of all levels hereafter to be run in the said City.

SEC. 2. All grades or benchmarks hereafter established in the City of Walla Walla shall be established with reference to said benchmark, described in section one of this ordinance.

SEC. 3. That the streets and alleys, lots and blocks of the City of Walla Walla are and shall be as shown by the City plat prepared by City Surveyor J. B. Wilson, and adopted by the Council of said City August 8, 1884, except in so far as said plat has been changed since that date by act of the City Council.

SEC. 4. That it shall be the duty of the City Surveyor to cause a copy of said plat, with all the changes made by the City Council, to be

recorded in the office of the County Auditor of Walla Walla, and hereafter when any change is made in the locality of any street or alley, to cause such change to be marked in a proper manner on the official map of the City and also on the County records aforesaid.

SEC. 5. That whenever any person or persons shall intend to sell lots according to municipal sub-divisions, or shall dedicate any street for public use, they shall first make a plat thereof and submit the same to the inspection of the City Surveyor, who shall report the same to the Council with remarks as to its being (or not) an unambiguous plat, whereupon the Council shall either adopt or reject said plat. If the Council shall adopt said plat it shall be the duty of the City Surveyor to mark thereon the order approving the same and cause a copy of the plat approved to be recorded in the book of plats of Walla Walla County, Washington Territory. If it be rejected he shall return it to the person or persons who furnished it to him and inform him or them of the defects in the same.

SEC. 6. Any person who shall sell any town lot situate in the City of Walla Walla, not embraced in an approved plat as aforesaid, or who shall record any plat or cause to be recorded any plat of lands within said City in the Auditor's office of Walla Walla County without the approval of the Council as aforesaid, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding one hundred dollars for each offense, and any record of an unapproved plat shall be void and the City Attorney shall file a bill for the cancellation thereof.

SEC. 7. Any animal (left running at large in the streets of Walla Walla) that is dangerous to the traveling public shall immediately be made secure or destroyed by the City Marshal; and he may follow any vicious or dangerous animal that has been running at large in the streets onto the premises of any person to secure or destroy such animal, unless the owner thereof gives security that such animal be kept secured from doing harm in the streets.

SEC. 8. No person shall stand with or permit any cart, carriage or vehicle of any description under his care or control to stand in any street or way so as to obstruct the travel over the same, and no person shall stop with any such cart, carriage or vehicle upon or across any crosswalk in any street or way in the City.

SEC. 9. No person or persons having for the time being the care or use of any horse or other beast of burden, carriage or draught, shall ride, drive or permit such horse or other beast to go in any street at a greater rate of speed than seven miles per hour.

SEC. 10. No owner or person having the charge of any horse, cow, swine, sheep, goat or other grazing animal, shall turn or permit the same to go at large or loose into or on any street.

SEC. 11. No person shall within any of the streets, lanes or other public places within the City, by means of any words, noises, gestures or any other act, wantonly frighten or drive any horse, mule or other animal.

SEC. 12. No person shall be guilty of any indecent, rude or disorderly behavior, or use indecent, profane or insulting language in any street or near any dwelling house or other building, to the annoyance or disturbance of any person.

SEC. 13. No person shall discharge any gun, pistol or other firearm, (unless in the discharge of military duty, or in the exercise of some other legal right so to do,) or fire any squib, cracker, serpent or other preparation whereof gunpowder is an ingredient, or which consists wholly of the same, within the compact part of the City, or within fifty yards of any building in the City.

SEC. 14. No person shall shoot with or use a bow and arrow, play at any game of ball, or fly any kite or balloon, or throw any stones, snowballs or other missiles within any of the streets.

SEC. 15. No person shall deface, injure or destroy any awning, fence, building, guide-post, sign-board or tree in any of the streets or public ways of this City.

SEC. 16. No person shall expose in any street or other public place in the City, any table or device of any kind fitted for any game of chance or hazard, and no person shall play at any such table or device, or at any unlawful game, in any street or public place.

SEC. 17. No person shall place or keep any table, stall or erection of any kind in any street or upon any sidewalk for the sale of fruit or any goods or articles whatever, except as hereinafter provided.

SEC. 18. No person shall swim or bathe in the waters surrounding or within the City which are adjacent to any of the bridges, railroads or avenues leading into the same unless properly clothed.

SEC. 19. No person or persons shall break or dig up or assist in breaking or digging up any part of any street, or remove any gravel or other similar thing therefrom for any purpose whatever.

SEC. 20. When any drain or aqueduct is opened or laid, or any aperture is made in any street the person or persons, or either of them, by or for whom the said drain or aqueduct is opened or laid or such

aperture is made, shall cause a rail or other sufficient fence to be placed and fixed so as to enclose such drain, aqueduct or other aperture, and the dirt, gravel or other material thrown into the street, and such fence shall be continued during the whole time such drain, aqueduct or aperture shall be open, and a lighted lantern or some other and sufficient light shall be affixed to some part of such fence or in some other manner, over or near such open drain, aqueduct or aperture and the dirt, gravel or other material taken from the same, and so kept from the beginning of twilight of every evening through the whole of every night during all the time such drain, aqueduct or aperture may be open or undergoing repair.

SEC. 21. No person shall blast any rock or other substance with gun powder or other material at any place within fifty rods of any street or public place in the City.

SEC. 22. No person shall erect or cause to be erected any fence or building adjoining any street without first having ascertained the bounds of the same by application to the Street Commissioner for that purpose, and when any encroachment shall be made upon any street and the party making the same shall neglect or refuse to remove the same it shall be the duty of the Street Commissioner to cause the person or persons so offending to be prosecuted at law for such offense.

SEC. 23. No person shall suffer any wood, coal, or bark to be in any street so as to unnecessarily obstruct the same, nor to allow the same to remain unnecessarily in any street over night, but in case it must of necessity so remain the owner thereof shall place and keep a lighted lamp or lantern over or near the same, from the beginning of twilight in the evening through the whole of the night. And no person shall occupy or use any portion of any street for the erection or repair of any building upon land abutting thereon, nor shall deposit any gravel, stone, timber, boards, lumber or building material of any kind in any street.

SEC. 24. Any tenant or occupant, or in case there shall be no tenant or occupant, the owner or any person having the care of any building or lot of land bordering on any street or sidewalk in the City shall within six hours after any snow ceases to fall in the day time and if any snow shall fall in the night, then before twelve o'clock at noon succeeding said fall cause the same to be removed therefrom, and whenever the sidewalk or any part thereof shall be encumbered with ice it shall be the duty of such tenant or occupant, or in case of non-occupancy, of the owner or person having the care of the property, to cause said sidewalk to be made safe and convenient for travel by removing the ice therefrom

or by covering the same with some substance to prevent the same from being slippery. In case there is no occupant, tenant, owner or agent of any property, whose duty it may be to perform any duties under this ordinance, within reach of the process of the City Justice and hence cannot be arrested and fined, then the Street Commissioner or other proper City officer shall perform such duty for said person or persons and charge the same upon the abutting property which shall be liable for said sum and such charge shall be added to the assessment roll and taxes on such property for the then current year and collected as part of the assessment of said year; provided, that if any person feels aggrieved at such addition to his or her assessment or taxes he shall at any time before the sale of the property therefor make his objection to the City Council, and if he fails to do so within three days before the sale for taxes he shall be estopped from making future complaint. If such person shall appear before the Council and make his objection the Council shall immediately hear the complaint and decide whether said addition is just and decrease the same or maintain it. If the party objects to the decision of the Council within three days after it has made the same, then the sale of property shall be stayed and the City Attorney shall bring an action in the name of the City to recover the amount of said addition and foreclose the lien upon said property.

The street and sidewalk leading from the City to the City cemetery is hereby embraced within the provisions of this ordinance. In case the streets or sidewalks become dangerous from any violation of this ordinance or failure to comply therewith, the Street Commissioner or other proper officer shall cause the danger to be removed by the necessary means and report the expense thereof to the City Justice, who shall add the same to any fine imposed as a part thereof; provided, that the necessity and expense of removal are issues of facts to be inserted in complaint and tried as other facts.

SEC. 25. Trees shall be set two feet inside of the outer edge of the sidewalks and not elsewhere in a street.

SEC. 26. In all sidewalks hereafter constructed there shall be sills not more than two feet apart. The sills shall not be placed on the ground, but on blocks in the firm earth at equal distances apart and parallel with the curb or outer edge of the sidewalk, for the covering plank to rest upon. The blocks shall not be more than four feet apart under each stringer. The covering plank shall not be less than 1 1/4 inches thick and not more than 8 inches wide, and in length as hereinafter specified, viz: On all streets one hundred feet in width not less than eight feet, on all other streets not less than six feet.

SEC. 27. On all streets one hundred feet in width the roadway shall extend thirty-four feet each way from the center thereof; on all streets

eighty feet in width the roadway shall extend twenty-eight feet each way from the center thereof, and on all streets sixty feet in width the roadway shall extend twenty feet each way from the center thereof.

SEC. 28. No cellar, vault, cistern or well shall be left uncovered unless the same be enclosed by a safe and sufficient fence, curb or guard.

SEC. 29. No person shall erect any post or posts in any street or public place in this City.

SEC. 30. No person shall place or maintain any awning or shade over any part of any street unless the same be safely and securely fastened and so located and constructed as not to interfere with passengers and so that the lowest part thereof shall never be less than seven feet above the sidewalk, and in no case to extend to the line of the sidewalk.

SEC. 31. No person shall hang, affix, erect or fasten any sign, sign-board or lantern on, over or across any sidewalk or street in the City.

SEC. 32. No person shall use or occupy more than two feet of space, measuring from the building, in displaying any goods, wares, merchandise or produce of any kind upon any street or sidewalk in the City.

SEC. 33. No person shall climb, break, pull, cut deface, (by posting bills of any description or otherwise), remove injure or destroy any of the trees growing, or which shall hereafter be planted, in any street or public place of the City; and no person shall in any way fasten any horse or other animal to any of said trees or allow any animal owned by him or under his control to stand so near the same that they may be gnawed or otherwise injured by any horse or other animal so fastened or permitted to stand.

SEC. 34. No person shall in any way fasten any horse or other animal to any lamp-post in any street or public place in the City.

SEC. 35. No person shall saw any fire wood or place the same upon any foot-path or sidewalk of any street in such a manner as to obstruct the same.

SEC. 36. No person shall wilfully suffer any spout to lead or cast water upon any sidewalk or street to the injury or inconvenience of passengers or to the damage of the street.

SEC. 37. No person shall suffer a cellar door or cellar doorway from the sidewalk into any cellar to be kept open when not in immediate use, nor when in immediate use after the beginning of twilight, unless a good and sufficient light is constantly kept at the entrance of such passage

SEC. 38. No person shall drive, wheel, propel or draw any coach, cart, handcart, wheelbarrow, bicycle or other carriage, sleigh or sled of

burden or pleasure, except children's carriages drawn by hand, upon any sidewalk in the City, or drive or permit any horse, ox or other beast or any carriage or other vehicle under his care to go or stand, except as aforesaid, upon any sidewalk or foot path of the City.

SEC. 39. No person shall place or carry, or cause to be placed or carried on the sidewalk of any street, any show-board, placard or sign for the purpose of there displaying or attracting attention to the same.

SEC. 40. No person shall place or cause to be placed upon any foot path or sidewalk in the City any lumber, iron, coal, trunk, bale, box, crate, cask, package, article or thing whatsoever, whether of the same description or not, so as to obstruct a free passage for foot passengers for more than fifteen minutes; provided, that nothing contained in this section shall be deemed to extend to such goods, wares or merchandise as may in conformity with such rules, regulations and orders made by the City Council upon the subject, be placed in any street or public place for the purpose of being sold at public auction.

SEC. 41. No person shall make or cause to be made any excavation or aperture in or under any street or sidewalk in the City for the purpose of constructing coal holes or receptacles for any other article, or for light and air, or for an entrance, or for any other purpose, nor place or cause to be placed any filth or obstructions or article which might frighten or injure animals in any of the streets of the City.

SEC. 42. No person shall remove, or caused to be removed, any of the surface of any of the streets in the City.

SEC. 43. Three or more persons shall not stand in a group or near to each other on any foot path or sidewalk in such a manner as to obstruct a free passage for foot passengers; and any person or persons obstructing the foot path or sidewalk shall move on immediately after a request to move on made by the Mayor or any police officer.

SEC. 44. No person shall habitually stand upon any foot path or sidewalk, or near any foot path or sidewalk, in such a manner as to obstruct the free passage of passengers or to expose passengers to unnecessary inconvenience or annoyance.

SEC. 45. No person shall remain upon any door step or other projection from any dwelling house or other building so as to annoy or disturb any person, or shall obstruct any passage to the same or the appurtenances thereof; and every person so being or remaining as aforesaid when ordered by the Mayor or any police officer, or by the owner or occupant of such dwelling house or building, shall immediately peaceably depart and stay away therefrom.

SEC. 46. Whenever the word street or streets is mentioned in this

ordinance it shall be understood as including alleys, lanes, courts, public squares, and public places, and it shall also be understood as including the sidewalks, crosswalks and bridges, unless the contrary is expressed, or such construction would be inconsistent with the manifest intent of the City Council. And in streets where there are no planked sidewalks, six feet in width next adjoining each side of such street shall be deemed and taken to be the sidewalk of the same within the meaning of this ordinance.

SEC. 47. In the following cases a permit may be given by the City Council, or any officer, officers, committee or board authorized by the Council, viz: To break or dig up streets, to erect and maintain posts, (telegraph and telephone poles being understood as included in the term posts), awnings and shades, lanterns or lights, to deposit temporarily in the streets property for sale at auction, to make excavations for improvements, and to occupy streets for building purposes.

SEC. 48. When any permit is given it shall be given in writing, with such limitations and conditions as may be deemed just, and it shall be recorded in a book by the Clerk, who shall report the same at the next meeting of the Council thereafter, and said permit is and shall always be revokable by the power which granted it, or by the City Council.

SEC. 49. The foregoing provisions shall not be taken or construed as limiting in any manner the legal rights and duties of the Street Commissioner or other persons authorized by the City Council.

SEC. 50. Any person violating any of the provisions of this ordinance shall be liable to a penalty not exceeding one hundred dollars for each offense.

Passed the Council, February 24, 1885.

J. E. F. A. SHAW,
City Clerk.

Approved, February 24, 1885.

F. W. PAINE,
Mayor.

ORDINANCE NO. 223.

AN ORDINANCE CONCERNING PUBLIC NUISANCES.

The City of Walla Walla does Ordain as follows :

SECTION I. Any person who shall be guilty of permitting or caus-

ing a nuisance, as defined by the common law, or the statutes of the Territory of Washington, within the City of Walla Walla, shall be fined in any sum not exceeding one hundred dollars, and in addition thereto (in case the City abates said nuisance) the cost of the abatement thereof.

SEC. 2. After a conviction, if the nuisance is not abated, each day that the nuisance is permitted to remain, shall constitute a new and entire offense.

SEC. 3. In case such nuisance is so flagrant and dangerous as not to permit the delay for legal proceedings without great danger or injury to the public, the Mayor shall order the same to be immediately abated, and the City Marshal shall forthwith execute the order and return the same with the report of his proceedings to the Mayor.

SEC. 4. Said order shall describe the nuisance to be abated, so that the same can be identified, and the return thereon shall contain a bill of costs for the removal thereof.

SEC. 5. The Mayor shall report such action as shall have been taken from time to time, as soon as practicable, to the Council, and such reports shall be kept thereafter by the City Clerk.

Passed the Council April 21, 1885.

L. F. A. SHAW,
City Clerk.

Approved, April 22, 1885.

F. W. PAINE,
Mayor.

ORDINANCE NO. 232.

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO ORGANIZE THE FIRE DEPARTMENT OF THE CITY OF WALLA WALLA."

The City of Walla Walla does ordain as follows:

SECTION 1. When there becomes a vacancy in the office of chief engineer of the fire department of the City of Walla Walla there shall be elected from the active firemen in said department a chief engineer to fill such vacancy, until the next annual election.

SEC. 2. That said election shall be conducted as is now provided that the general election is conducted, and in the same place and by the same electors (by the provisions of section 6 of the ordinance of which

this is amendatory) and the time and place for holding said election shall be fixed by the foreman of the oldest engine company in said department, by a notice printed in the City paper for a period not less than five days.

Passed the Council, July 28, 1885.

LE F. A. SHAW,
City Clerk.

Approved, July 28, 1885.

F. W. PAINE,
Mayor.

ORDINANCE NO. 236.

AN ORDINANCE DEFINING THE DUTIES OF CERTAIN CITY OFFICERS.

The City of Walla Walla does ordain as follows:

SECTION 1. That besides his charter duties and powers the Mayor shall receive all reports of the health officer and all complaints, if in writing, made by any person other than those made before the City Justice, and lay the same before the Council at the next session thereof, after they are received with such recommendation as he may think proper, and in cases of impending danger from contagious or infectious diseases, may cause the health officer, assisted by the police force, to abate the same, or may in danger from such diseases, cause the City or any part thereof to be quarantined, and in case of immediate and impending danger from nuisance of any kind may cause the same to be abated.

SEC. 2 In case of imminent and impending danger to the public peace, safety and health, or from fires arising when the Council is not in session, he may appoint as many assistants to any officer of the City as he may deem necessary, to act only while the services thereof are absolutely necessary, and in no event longer than the next session of the Council.

SEC. 3. In case of a conflagration he shall have power, in conjunction with the chief engineer of the fire department of the City, to cause to be removed or torn down, any structure which in their judgment by being so removed or torn down will lessen the danger of destruction of property by the fire then and there existing. He is also empowered to cause to be removed any partially destroyed walls or parts of buildings, flag or other poles so injured as to be in danger of falling, whereby the safety of the public may be endangered.

SEC. 4. Each officer of the City, upon receiving a written order from the Mayor on the subject matter herein contained, shall obey the same.

SEC. 5. The City Clerk, in addition to his charter duties, shall be present at each session of the Council and act as clerk and keep the minutes thereof.

SEC. 6. He shall be keeper of the City seal and records.

SEC. 7. He shall supervise the City printing and see that the same is done according to ordinance and contract.

SEC. 8. He shall record in a well-bound book all ordinances, and after a revision thereof keep an index of the same.

SEC. 9. He shall draw all warrants ordered by the Council, which shall be signed by the Mayor, and he shall attest the same, and shall keep a warrant book in which he shall enter, first, the date; second, number of each warrant issued; third, to whom issued; fourth, for what purpose; fifth, what fund; sixth, the amount; and shall report to the Council semi-annually at the first regular meeting in January and July of each year; he shall also keep a cash book in which he shall keep an account current with the City Treasurer, and shall charge him with all moneys paid into the City treasury for fines and licenses, and shall charge the Treasurer with the amount of the assessment roll when it is delivered to the Treasurer, and shall credit him with the amount remaining unpaid when the same is returned to him; shall keep an account with the Assessor or other officers who shall collect City taxes, and shall at the first regular meeting of the Council in July of each year make out a report showing the entire amount of moneys received during the year, the amount expended, and the amount of outstanding warrants.

SEC. 10. He shall have charge of the City seal, and shall affix the same to licenses and other public papers requiring authentication. He shall, when called upon by parties requiring a license, and upon presentation by them of the Treasurer's receipt therefor, issue licenses when by law such licenses are required.

SEC. 11. He shall also perform such other duties as may by action of the Council be required.

SEC. 12. The records of his office shall, when necessary, be open to the inspection of the Mayor, any members of the Council or the public

SEC. 13. The Clerk shall have blank poll and road tax receipts printed and shall take and safely keep said receipts in his possession and not permit any person, except an officer having the authority to re-

ceive the taxes which the receipts represent, to have possession thereof and when any officer is authorized to collect said taxes the Clerk shall deliver to him, properly countersigned, such of said receipt as he may demand and charge him with the same and the amount they represent, and when such officer shall return any receipts unused or account for the loss thereof by affidavit filed, he shall give credit accordingly and he shall also give credit for any amount of such taxes as a certificate of the Treasurer shall show has been paid into the treasury by such officer.

SEC. 14. The City Clerk shall be ex-officio register of voters in the City of Walla Walla.

SEC. 15. He shall keep an account of all expenditures made by him for his office and other officers and shall paste and keep a printed copy of all City printing done in the City paper and shall perform such other duties as are prescribed by ordinance.

SEC. 16. The City Surveyor shall be the civil engineer and surveyor of said City and shall perform all the duties pertaining to that subject matter required by an ordinance of said City; he shall also perform such other duties pertaining to said profession as may be requested by the Street Commissioner, the Attorney, Assessor, or the Council of said City when necessary for them to perform their duties.

SEC. 17. He shall also make any survey within said City requested by private parties upon their paying him his charges therefor.

SEC. 18. He shall keep a copy of all his surveys, plats, skeletons and field notes, whether pertaining to the City or private surveys, and turn them over to his successor in office.

SEC. 19. The City Marshal and his deputies shall enforce all ordinances except in those cases where certain duties to enforce ordinances are conferred on other officers.

SEC. 20. The Marshal shall be sergeant-of-arms and be present at each session of the Council and serve such papers and orders as may be made by the Council or the Mayor.

SEC. 21. He shall permit any person not dangerous to the safety of prisoners to see such prisoner or prisoners at their meals.

SEC. 22. He shall appoint such number of deputies only as the Council may direct, and no deputy shall draw pay unless his appointment is ratified by the Council or is assistant Marshal by order of the Mayor.

SEC. 23. In those cases wherein it is the duty of some other officer

to execute an ordinance if the Marshal or his deputies perceive a failure of such officer to perform such duty he shall report such failure in writing to the Mayor.

SEC. 24. The Street Commissioner shall have the general superintendency of all ways, water courses, aqueducts, flumes, fire cisterns, water boxes and shade and ornamental trees on the public ways and in control of the City and on City property and of work on and improvements of the same.

SEC. 25. He shall safely keep all property purchased or to be used in connection with said subject matter and shall report to the Health Officer all nuisances to or any acts concerning the public health which may incidentally come to his knowledge. He shall report to the committee on streets and public improvements all nuisances to the public ways

SEC. 26. He is ex officio fire warden and keeper of the powder house and shall enforce all ordinances in relation to fires and explosives, save ordinances and parts of ordinances which by their terms provide some other officer or department shall enforce them.

SEC. 27. The Street Commissioner shall purchase all things to be used in connection with his duties when ordered by the Council or its authorized committees and shall keep account books where each transaction and purchase shall be noted and showing the amount of property in his hands and how property in his hands has been disposed of, and shall exhibit said books to the Council as often as required.

SEC. 28. He shall report in writing to the Council any and all suggestions and things which he may deem necessary to the welfare of the City as to any subject matter herein contained.

SEC. 29. The City Assessor, in addition to his duties as prescribed by charter, shall, in making his assessment of the real property in the City, make his lists so they shall show the valuation of each person's land abutting streets and sidewalks, so that the Clerk from the said lists may formulate the assessments in assessment districts, as provided by the charter of said City

SEC. 30. He shall receipt for all poll tax and road-poll tax receipts received by him from the Clerk and shall use none except those he so receives and receipts for.

SEC. 31. It shall be the duty of the Health Officer to be the keeper of the City hospital, and report to the Mayor all nuisances against the public health, and he may recommend in writing and file with the Mayor any action by the Council which he may think necessary or proper for the preservation thereof.

SEC. 32. The City Sexton shall have the care and custody and control of the City cemetery and the sidewalk thereto from the City boundary, and shall perform such duties in regard thereto as may be prescribed by ordinance.

Passed the Council, September 7, 1885.

I. E. F. A. SHAW,
City Clerk.

Approved, September 14, 1885.

J. M. BOYD,
Mayor.

ORDINANCE NO. 237.

AN ORDINANCE TO PROTECT THE CITY OF WALLA WALLA AND THE INHABITANTS AND PROPERTY THEREIN FROM THE WASHINGS AND OVERFLOW OF MILL CREEK.

The City of Walla Walla does Ordain as follows :

SECTION 1. That the banks of Mill creek, within the limits of the City of Walla Walla, shall, on each side of said creek, at the line of the late survey thereof, be protected by abutment, dam and breakwater of sufficient height and strength to protect said creek from washing or going beyond the limits.

SEC. 2. The said breakwater or dam shall be constructed by piles driven sufficiently deep in the earth to keep them solid and permanent, and the side nearest the creek faced with planks, which will prevent water from washing through, over or under the same on the opposite side of such planks.

SEC. 3. That it shall be the duty of each riparian proprietor to build and maintain such dam or breakwater on the premises owned by him.

SEC. 4. In case such breakwater does not exist or is out of repair, the Street Commissioner shall notify the proprietor of the land on which the abutment is to be built, of the nature and extent of the work to be done, and unless such proprietor shall, within ten days of such notice, or such further time as may be allowed to perfect such abutment, the Street Commissioner shall do said work, and the cost of the work shall become a charge upon the lot of land over which the construction is made, and the proprietor shall become indebted to the City of Walla Walla for such cost.

SEC. 5. In case any proprietor shall require further time, or deem the demand of the Street Commissioner unreasonable, the said proprietor shall notify the Council, and finally the Council shall decide upon the nature and kind and time of such construction, and if the proprietor shall not comply with such decision, then the Street Commissioner shall do so, and the cost thereof shall become a lien and charge upon the lot upon which the work is done, and the proprietor shall be indebted to said City in that sum.

SEC. 6. That whenever in the judgment of the Street Commissioner the ground is of such a nature as to make it impracticable to drive piles, then any other style of bulkhead may be built that may be considered as good.

SEC. 7. The Street Commissioner shall have the superintendence and approval of all work done under this ordinance.

Passed the Common Council, October 6, 1885.

L. F. A. SHAW,
City Clerk.

Approved, October 6, 1885.

J. M. BOYD,
Mayor.

ORDINANCE NO. 260.

AN ORDINANCE IN RELATION TO CITY SEXTON AND HIS DUTIES.

The City of Walla Walla does ordain as follows:

SECTION 1. A City Sexton shall be elected by the qualified electors of the City of Walla Walla at the same time of the election of other City officers, who shall qualify by executing a bond in the sum of five hundred dollars, conditioned for the faithful performance of his duties.

SEC. 2. The City Sexton shall hold his office for one year, and until his successor shall be duly elected and qualified; provided, however, the Common Council may at any time remove the City Sexton for any neglect or failure to perform the duties of his office as prescribed by this ordinance; provided, further, the Common Council shall retain the power to fill any vacancy that may occur in the office of City Sexton.

SEC. 3. In case of a removal of a City Sexton or from any other cause a vacancy occur in the office, the Common Council shall at once appoint a successor, who shall hold the office for the unexpired term.

SEC. 4. The duties of the City Sexton shall be as follows :

He shall have charge of the City cemetery. He shall dig, or cause to be dug, all graves, which said graves shall not be less than five feet deep. He shall allow no lot occupied or grave dug therein except under his direction. He shall see that the gates, fences, buildings, graves and other appurtenances are kept in good condition.

After water for irrigating the City cemetery is provided he shall see that the same is properly used for the purpose intended. He shall permit those who may desire to plant trees, plants or shrubs, or otherwise beautify the lot or graves, to do so, but always under his supervision so that no wrong is done to other lot owners. He shall cause the sidewalk leading to the City cemetery to be kept in good repair. It is hereby specially made his duty to inform the City Attorney of any trespass upon the cemetery grounds, or of any displacement or breakage of any gate, fence, slat, tree, plant or shrub connected with the grounds or any lot thereof, or of the removal of any flower, plant or other article therefrom, and to make complaint before the proper tribunal against any and all trespassers in the matters aforesaid, and have them prosecuted and punished under the laws of Washington Territory.

He shall charge five dollars for digging each and every grave unless ordered by the Mayor to dig the same free of charge ; provided, however, that the receipt of the City Treasurer shall be received by him in lieu of money.

He shall pay all money received by him for digging graves into the City treasury.

He shall have the right to contract with lot owners for his services in beautifying or keeping lots in order, or for digging up graves and removing the remains elsewhere in the City cemetery for such price as shall be agreed upon, the proceeds whereof shall be paid by him into the City treasury, and shall be so paid by him, together with all the moneys for digging graves, at least once each month.

He shall make a report of his doings to the City Council once each month.

SEC. 5. The City Sexton shall be under the supervision of the cemetery committee

SEC. 6. The City Sexton shall receive a salary of ¹\$65 per month, to be paid out of the cemetery fund.

SEC. 7. All moneys paid into the City treasury by the City Sexton shall be paid into the cemetery fund.

¹ Ordinance No. 536, fixes compensation at \$55 per month.

SEC. 8 That Ordinance No. 78, entitled "An Ordinance in Relation to the City Sexton," approved October 1, A. D. 1880, be and the same is hereby repealed.

Passed the Council October 5, 1886.

HENRY KELLING,
City Clerk.

Approved, October 6, 1886.

J. M. BOYD,
Mayor.

ORDINANCE NO. 261.

AN ORDINANCE TO PROVIDE FOR REPAIR OF SIDEWALKS WHENEVER
PROPERTY OWNERS FAIL TO DO SO UPON NOTICE, AND
TO COLLECT THE COST THEREOF.

The City of Walla Walla does Ordain as follows:

SECTION 1. That whenever any sidewalk is out of repair and unfit for public use, the Street Commissioner shall notify the owner of the adjacent property by written notice, delivered to such owner, if a resident, and mailed if not a resident, to the proper postoffice address, if known, and if not known such notice to be served by posting in a public place on such property; which notice shall require the owner of such property to repair said sidewalk in a proper manner within five days from the date thereof.

SEC. 2. If the owner of such property shall fail to comply with the demands of such notice, it shall be the duty of the Street Commissioner to report the same to the next regular meeting of the City Council. The City Council shall examine the sidewalk required to be repaired and shall order the Street Commissioner to repair the same, specifying the extent and character of repairs, at the expense of the property owner, and the amount so expended by the City shall be a debt due from the property owner to the City, and a lien on the property adjoining.

Passed the Council October 5, 1886.

HENRY KELLING,
City Clerk.

Approved, October 6, 1886.

J. M. BOYD,
Mayor.

ORDINANCE NO. 270.

AN ORDINANCE TO SECURE A SUPPLY OF WATER FOR THE CITY OF WALLA WALLA.

The City of Walla Walla does Ordain as follows:

SECTION 1. The City of Walla Walla by this ordinance hereby contracts and agrees with the Walla Walla Water Company, a corporation duly organized and doing business under the laws of the Territory of Washington, in the manner and upon the terms and conditions as provided and set forth in this ordinance; and upon acceptance of the terms of this contract by said Walla Walla Water Company as hereinafter provided, the same shall thereupon become and be a valid and binding contract between the parties.

SEC. 2. The City of Walla Walla hereby gives and grants to said Walla Walla Water Company for the period of twenty-five (25) years from and after the date of the passage of this ordinance, the right to lay, place and maintain all necessary water mains, pipes, connections and fittings in all the highways, streets and alleys of said City for the purpose of furnishing the inhabitants thereof with water; but the same shall be placed far enough under ground to constitute as little obstruction as practicable, and in such manner as to do the least practicable damage to streets; and not more than twenty-five feet from the boundary line of the street, and in all cases where ditches for such purposes shall be dug in the streets the same shall be left as near as practicable in the same condition as before, and the ground removed in digging such ditches shall be well and firmly packed and tamped while being replaced.

SEC. 3. The said water company shall hereafter lay all their mains of sufficient size to carry fire hydrants, and they shall erect one stand pipe on each side of Mill creek at or below Sixth street, so as to equalize and make available the pressure of the water in their reservoirs as now constructed, and shall extend their system of mains as fast as the population and growth of the Town shall reasonably warrant; and mains on the north and south sides of Mill creek shall be connected so as to give pressure from the reservoir of the greatest elevation in time of fires; and the main on First street shall be connected with the Sixth street main by mains through each alternate cross street from Birch to Main, inclusive.

SEC. 4. The City of Walla Walla shall have the right to erect in a proper and workmanlike manner, and maintain at its own expense, in such manner as to prevent leakage, as many fire hydrants on the mains of the water company as it shall see fit, not exceeding one at each street intersection; and in case of fire, the City, through its officers and em-

ployes, shall have all reasonable and necessary control of the water company's water, mains and reservoirs for the extinguishment thereof; and for the purpose of drilling fire companies shall use such water as may be necessary therefor, not oftener than once in two weeks for each fire company; and the City shall also use such water as may be necessary and convenient in its engine houses and other City buildings, and to supply any and all City fire cisterns.

SEC. 5. The City of Walla Walla shall pay to said Walla Walla Water Company for the matters and things above enumerated, quarterly, on the first days of July, October, January and April of each year, at the rate of fifteen hundred dollars per annum (\$1,500) for the period of twenty-five (25) years from and after the date of the passage of this ordinance, the first quarterly payment to be made on the first day of October next (October 1, 1887.)

SEC. 6. The City of Walla Walla shall, during said period, without expense for water, be allowed to flush any sewer or sewers it may hereafter construct, at such time during the day or night as the Water Company may determine, and under the direction and supervision of such officers as the City may from time to time designate, and not oftener than once in each week.

SEC. 7. For all the purposes above enumerated said Walla Walla Water Company shall furnish an ample supply of water, and for domestic purposes, including sprinkling lawns, shall furnish an ample supply of good wholesome water at reasonable rates to consumers at all times during the said period of twenty-five years; and this contract shall be voidable by the City of Walla Walla so far as it requires the payment of money, upon the judgment of a court of competent jurisdiction, whenever there shall be a substantial failure of such supply or a substantial failure on the part of said company to keep or perform any agreement or contract on its part, herein specified or in said contract contained. But accident or reasonable delay shall not be deemed such failure. And until such contract shall have been so avoided the City of Walla Walla shall not erect, maintain or become interested in any water works except the ones herein referred to, save as hereinafter specified.

SEC. 8. Neither the existence of said contract nor the passage of this ordinance shall be construed to be or be a waiver of or relinquishment of any right of the City to take, condemn, and pay for the water rights and works of said or any company at any time, and in case of such condemnation the existence of this contract shall not be taken into consideration in estimating or determining the value of the said water works of the said Walla Walla Water Company.

SEC. 9. Since the City may, before the expiration of this contract,

need or desire to use a greater pressure for the extinguishment of fires than could be furnished by gravitation from the company's reservoirs, said water company in laying new mains hereafter shall lay down such mains within the limits where fire hydrants shall be placed, as will sustain a reasonable pressure, not less than 50 pounds to the square inch at any point, for such purpose; and in case the City shall, before the expiration of this contract, desire to use the company's mains for the extinguishment of fires otherwise than as provided in the preceding sections of this ordinance, it shall have the right to do so upon payment of a reasonable quarterly compensation therefor.

SEC. 10. All contracts now existing between the City and said company, requiring the payment of money by the City to said company, are hereby avoided and terminated.

SEC. 11. The Clerk is hereby authorized and directed to make and enter into a contract in writing for and on behalf of the City of Walla Walla with the said Walla Walla Water Company, in accordance with and in conformity to this ordinance, and the execution of such contract by the said Walla Walla Water Company shall be and constitute an acceptance of the terms of this ordinance and contract; and such contract as executed by both parties shall be recorded by the Clerk in full in the book in which ordinances are recorded.

Passed the Council, March 15, 1887.

HENRY KELLING,
City Clerk.

Approved, March 19, 1887.

J. M. BOYD,
Mayor.

ORDINANCE NO. 278.

AN ORDINANCE TO SECURE A SUPPLY OF WATER FOR THE CITY OF
WALLA WALLA FOR STREET SPRINKLING PURPOSES.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the City Clerk be and he is hereby authorized, empowered and directed to enter into a contract in writing for and in the name of the City with the Walla Walla Water Company, a corporation, whereby said Water Company shall agree to and with said City of Walla Walla, for and in consideration of one dollar to be paid by the said City to said company on written demand, to furnish at all times for

the term of twenty-five years from May 1, 1887, to said City, or to any person or persons having at any time a contract with or permission from said City to sprinkle the public streets or any thereof, with sufficient water to sprinkle all of said streets; the City to draw said water at its expense from the pipes of said company by means of a pipe not exceeding two (2) inches in diameter, into a tank to be furnished and erected by said City at any point hereafter designated by said City, and from such stationary tank into tank or tanks on the carts or wagons of said City or other persons.

SEC. 2. That said contract when so made and entered into shall be entered on the record book of the City Clerk and signed by him in behalf of the City and by the authorized officers of said company, and a copy of the resolution authorizing the officers of said company to enter into the said contract shall be entered in said book and signed by the said officers of said company.

Passed the Council May 3, 1887.

HENRY KELLING,
City Clerk.

Approved, May 3, 1887.

J. M. HILL,
Acting Mayor.

ORDINANCE NO. 289.

AN ORDINANCE GRANTING TO C. B. HOPKINS, HIS ASSOCIATES AND ASSIGNS, A RIGHT TO ERECT, MAINTAIN AND OPERATE IN THE CITY OF WALLA WALLA, WASHINGTON TERRITORY, AND IN OR UNDER THE STREETS, ALLEYS, AVENUES AND THOROUGHFARES THEREOF, POLES, WIRES AND OTHER APPLIANCES, AND CONDUCTORS FOR THE TRANSMISSION OF ELECTRICITY FOR TELEPHONE PURPOSES.

The City of Walla Walla does Ordain as follows :

SECTION 1. That a right and privilege is hereby granted to C. B. Hopkins, of Colfax, Whitman County, Washington Territory, his associates and assigns, to erect or lay, maintain and operate in the City of Walla Walla, W. T., including all the streets, alleys, and avenues and thoroughfares thereof, poles, wires and other appliances and conductors for the transmission of electricity for telephone purposes. Such wires or conductors may be strung upon poles, or other fixtures above ground,

or laid under ground in pipes or conduits or otherwise protected, and such other apparatus may be used as may be necessary or proper to operate and maintain the same.

SEC. 2. It shall be lawful for said Hopkins, his associates, or assigns, to make all needful excavations, in any of said streets, alleys, avenues and thoroughfares in said City of Walla Walla, W. T., for the purpose of erecting and maintaining poles or other supports for said wires or for the purpose of laying down, maintaining and operating other conductors underground for the purposes aforesaid.

SEC. 3. Whenever the said Hopkins, his associates or assigns shall disturb any of such streets for the purposes aforesaid, he or they shall restore the same to good order and condition as soon as practicable and without any unnecessary delay; and failing so to do, the City of Walla Walla, shall have the right to fix a reasonable time within which such repairs and restoration of streets shall be completed, and upon failure of such repairs being made by said Hopkins, or his assigns, the City of Walla Walla shall cause such repairs to be made at the expense of said Hopkins, his associates or assigns; and that said expense be a lien on the apparatus of the said Hopkins, his associates or assigns.

SEC. 4. That places where poles are set or maintained shall be such as to do as little damage to or obstruction of streets and alleys as is consistent with effective construction and maintenance of the work. The wires shall be supported by safe and substantial means at a distance not less than twenty feet from the surface of the ground where the same crosses any street or alley.

SEC. 5. Nothing in this ordinance shall be construed in any way to prevent the proper authorities of the City of Walla Walla, from sewer-ing, grading, planking, repairing or altering any of the streets herein mentioned. But all such work shall be done, if possible, so as not to obstruct, injure or prevent the free use of said poles, wires, conductors, conduits, pipes or other apparatus.

SEC. 6. In consideration of the rights hereby granted the said City of Walla Walla, shall have the right to suspend upon the poles or place in the conduits, placed by the said Hopkins or his assigns in the streets aforesaid, any or all wires which it may require for fire alarm or police telegraph purposes.

SEC. 7. The rights, privileges and franchises herein granted, shall continue and be in force for the period of twenty years from the date of the passage of this ordinance.

SEC. 8. This ordinance shall repeal any and all ordinances on the same subject matter.

SEC. 9. This ordinance shall take effect and be in force from and after its passage and approval.

Passed the Council, August 2, 1887.

HENRY KELLING,
City Clerk.

Approved, August 3 1887.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 301.

AN ORDINANCE TO PROTECT THE PUBLIC HEALTH AND TO REPEAL
ALL PRIOR ORDINANCES ON THE SAME SUBJECT.

The City of Walla Walla does Ordain as follows :

SECTION 1. That there is hereby established a Board of Health for the City of Walla Walla, consisting of the Mayor of the City, the City Physician and the committee on Health and Police of the City Council. The City Physician shall be known as the Health Officer of the City.

SEC. 2. The Mayor is ex-officio President of the Board of Health. The board shall meet at the call of the president, or by request of three members, the president shall call a meeting thereof. In the absence of the president the board may elect a chairman, pro tem, who is clothed with the same powers as the president.

SEC. 3. Every physician in attendance on anyone sick with small-pox, cholera, yellow fever, typhus fever, typhoid fever, cerebio-spinal meningitis, measles, scarlet fever or diphtheria, shall report the same to the Health Officer within six hours after becoming satisfied of the nature of the disease. Such report shall be made in writing and shall give the name, age, sex and residence of the patient, giving street and number of residence and date of attack. In the absence of an attending physician, the person in charge of any one so affected shall report the same to the Health Officer in the manner and form as herein provided.

SEC. 4. If there be an attending physician at the birth of any child within the City of Walla Walla, whether said child be born alive or still-born, said physician shall report to the Health Officer of the City within twenty-four hours after said birth ; if there be no attending physician, then the parent or parents of said child shall make such report, and if the parent from any cause be unable to make the report and there be no attending physician then the person in whose house the birth oc-

curs shall make such report. Such report shall give the name, race, street, number of residence of the parents, the sex of the child and date of birth.

SEC. 5. In case of death within the City limits from any cause whatever, or in case of death without the City limits of a resident of the City, no burial shall be permitted within the City cemeteries except on the certificate of the Health Officer, or in his absence from the City, a certificate from the Mayor thereof. The Health Officer or Mayor shall give such certificate only, when the undertaker or other person shall present to them a certificate of a physician, or in case there is no physician the certificate of a coroner, and in case there was no physician or inquest held, then on the certificate of some reputable person, stating the name, age, sex, place of birth, if known, occupation, place of residence of the deceased and date and cause of death. The Sexton shall not permit any burial without a certificate from the Health Officer or Mayor. The Sexton shall, on the first day of each month report to the Health Officer all burials and compare with him all certificates received.

SEC. 6. In case an interment is made within the City limits, the Mayor shall cause the remains to be removed to the City cemetery.

SEC. 7. The remains of a deceased person shall not be permitted to be brought into the City, nor transported from the City, without a permit therefor has been first obtained from the Health Officer or in his absence, from the Mayor, nor shall such remains be kept within the City for a longer period than twelve hours without such permit; and when the body is transported from the City, such permit shall certify that the condition thereof is such as not to endanger health from contagion, and when such body is imported into or is transported through the City a certificate from a proper, reliable person, that the corpse is in such condition, shall be presented to the Health Officer before he shall give said permit, and notwithstanding such certificate, if the Health Officer discovers that the condition of the corpse endangers the health of the inhabitants of the City, he shall refuse such permit, and if he shall at any time discover that the body of a deceased person is dangerous to the health of the inhabitants of said City, he shall cause it to be immediately buried and the person or persons bringing such corpse within the City or directing it to be brought shall be liable for all the expense of burial and ten dollars fees to the Health Officer, besides the other penalties in this ordinance.

SEC. 8. All reports made to the Health Officer shall contain all information required by the laws of the State of Washington, and shall

1 As amended by Ordinance No. 542.

be made upon printed blanks furnished by the City or State Board of Health and the same shall be kept by the Health Officer until the first day of the month succeeding the month in which the same was filed with him; and he shall during the time the same remains in his office, make a record of such information shown by said reports as shall be necessary to enable him to keep the registers provided for by Section 9 of this ordinance. And on the first day of the month succeeding the month in which the same was filed with the City Health Officer, he shall file the said reports with the County Auditor as provided by the laws of the State of Washington. He shall when required by the board, examine into and if possible ascertain the cause of any epidemic disease prevailing by reason of improper sanitary conditions of the City and recommend such measures as he may think proper to prevent the spread of such disease. He shall make an examination of the public schools once each month, and recommend proper regulations for the health of the children attending said school and if at any time a disease of any kind prevails in epidemic form, or liable to become epidemic, he may, with the consent of the Board of Health, order said schools to be temporarily closed. He shall at all times be subject to the Board of Health but at any time during the prevalence of an epidemic when it is impracticable for the board to meet, he shall, with the consent of the president of the board, be empowered to adopt such measures as will most effectually prevent the spread of the disease. He shall make it his special duty to see that all persons violating any of the provisions of this ordinance are duly prosecuted and punished.

SEC. 10. The Health Officer shall examine and make immediate report to the president of the Board of Health any case of a disease of a contagious nature that may come to his notice within the City limits, and it shall be the duty of the president to cause such patient to be removed to the pest house of the City if, under the circumstances, it is deemed necessary for the public safety.

SEC. 11. In all cases of removal to the pest house, where the person so removed is unable to procure a nurse and medical attendance, the Health Officer shall attend such person, and shall employ a suitable nurse; and provide supplies and such other articles as are necessary for the comfort of the patient, at the expense of the City, but in all other cases such expense shall be borne by the person requiring such attention.

SEC. 12. No person attending upon, or otherwise coming in contact with any one afflicted with any contagious disease whatever, shall go upon the streets or mingle with people not so exposed to disease,

without first using a disinfectant prescribed by a competent physician; and in case of small-pox, diphtheria or scarlet fever shall carefully change his clothing.

SEC. 13. Whenever a case of small-pox or diphtheria exists within the City limits and for any reason it has not been removed to the pest house the Health Officer may place some suitable person in charge of the premises, where such case exists at the expense of the City, whose duty it shall be to see that the provisions of this ordinance are strictly complied with, so long as may be deemed necessary for the public safety.

SEC. 14. In case of death or recovery from a case of small-pox or diphtheria the person in charge of the patient during his or her illness shall see that all bedding, bed clothing, carpets, curtains and garments of any description that have been used with the patient during his or her illness are properly and thoroughly disinfected, and that the house has been thoroughly fumigated and disinfected before anyone who has not been exposed to the disease be allowed to enter the same.

SEC. 15. Whenever death occurs from any contagious disease the lid of the coffin containing the corpse shall be securely screwed down before leaving the house where death occurred, and shall not be again opened, and it shall be taken to the place of burial without stoppage; and in case of small-pox, diphtheria or scarlet fever no person shall be allowed to accompany the remains to the burying ground, except those who have been in attendance upon the deceased during his illness and the undertaker and his assistants, and they shall change their clothing and use a disinfectant before they go out to mingle with the public who have not been exposed to the disease.

SEC. 16. No person shall knowingly bring into the City anyone infected with the small-pox, diphtheria or scarlet fever, or the body of anyone who has died of either of the above named diseases; nor shall any person owning or having control of any vehicle, use or permit such vehicle to be used to convey anyone so infected or the body of anyone who has died from either of the above named diseases without a written permit from the Health Officer. Neither shall any person without such written permit remove anyone sick with small-pox, diphtheria or scarlet fever from one house to another within the City limits.

SEC. 17. It shall be unlawful for the proprietor of any hospital, hotel, lodging house or private house, where furnished or unfurnished rooms are rented to boarders or lodgers, to forcibly eject from such hospital, hotel, lodging house or private house anyone sick with any contagious disease without a permit to do so from the Health Officer of the City.

SEC. 18. Whenever a contagious disease exists within the City limits it shall be the duty of the person in charge of the house wherein the patient is confined to have in a conspicuous place, a yellow flag, at least eighteen inches square, with the word "contagious" written conspicuously thereon, which flag shall remain until the premises have been disinfected to the satisfaction of the Health Officer.

SEC. 19. The Mayor shall, whenever in his opinion the protection of the public health requires the same, or upon the written recommendation of the Health Officer, by a proclamation issued and signed by him as such Mayor, quarantine the entire City or any house in which any person sick with a contagious disease may be. He shall in such proclamation specify the limits of such quarantine, and the same shall remain in force until revoked by the Mayor. It shall be unlawful for any person other than a physician in attendance upon a sick person to pass within or out of the limits fixed by such quarantine without the written permission of the Mayor or Health Officer. The Mayor shall, and he is hereby authorized to employ all means necessary to insure and enforce compliance with such quarantine.

SEC. 20. Any person violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than ten dollars or more than three hundred dollars and be imprisoned until such fine is paid or served out.

SEC. 21. All ordinances upon the subject of this ordinance in conflict herewith, are hereby repealed; provided, this repeal shall not affect the pay of the Health Officer.

SEC. 22. This ordinance shall take effect and be in force from and after its passage and publication.

Passed the Council, January 17, 1888.

HENRY KELLING,
City Clerk.

Approved, January 17, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 302.

AN ORDINANCE TO PROVIDE FOR THE REPAIR OF GRADED STREETS.
The City of Walla Walla does Ordain as follows:

SECTION I. After any street or alley shall have been graded and

gravelled, and such work accepted by the City, and such acceptance made a matter of record in the City Clerk's office, it shall be and is hereby made the duty of the City to keep such street in repair and to pay therefor out of the general or street fund as the City Council shall direct; in all cases where the expense of such repairs shall not exceed fifty dollars (\$50) the same shall be repaired under the direction of the street department, when authorized by the Council or the street committee, in all other cases the City officers shall proceed to have such repairs made by contract, after advertisement for bids according to the provisions of the City charter.

SEC. 2. This ordinance shall not apply to the repair of sidewalks.

SEC. 3. All ordinances and parts of ordinances in conflict herewith are hereby repealed, and this ordinance shall take effect after its passage, approval and publication.

Passed the Council, March 6, 1888.

HENRY KELLING,
City Clerk.

Approved, March 6, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 305.

AN ORDINANCE IN RELATION TO LIQUOR LICENSE.

The City of Walla Walla does Ordain as follows:

SECTION 1. That hereafter the license for sale of spirituous wines, malt or other intoxicating liquors shall be three hundred and fifty dollars (\$350) per annum, payable in advance, and no receipt for liquor license, or liquor license shall be given until said sum is paid.

Passed the Council, April 3, 1888.

H. S. BLANDFORD,
Acting Clerk.

Approved, April 4, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 306.

AN ORDINANCE AUTHORIZING THE OFFER OF A REWARD OF \$500 FOR
THE ARREST AND CONVICTION UPON A CHARGE OF ARSON
OF ANY PERSON WHO COMMITS SAID CRIME
WITHIN THE CITY LIMITS.

The City of Walla Walla does Ordain as follows:

That the Mayor be and is hereby authorized to offer a reward of \$500 for the arrest and conviction of such person or persons as may hereafter commit the crime of arson within the City, and the Mayor may, with the consent of the Council, increase the amount of said reward to \$1000. Such reward may also be offered for offenses committed prior to April 3, 1887.

Passed the Council, April 17, 1888.

HENRY KELLING,
City Clerk.

Approved, April 18, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 317.

AN ORDINANCE AUTHORIZING AND EMPOWERING C. E. BURROWS AND
HIS ASSOCIATES AND ASSIGNS TO ERECT AND MAINTAIN
ELECTRIC WORKS AND LAY WIRES, AND ERECT
POLES TO SUPPORT THE SAME IN THE
STREETS AND ALLEYS OF
WALLA WALLA CITY.

The City of Walla Walla does Ordain as follows:

SECTION 1. That C. E. Burrows and his associates and assigns are hereby authorized and empowered to erect electric works in the City of Walla Walla, and to erect poles and lay wires throughout the streets and alleys of said City for the purpose of distributing electricity for light, heat and power.

SEC. 2. That the places where the poles are set shall be such as to do as little damage to or obstructions to the streets and alleys as is consistent with the effective construction and maintenance of the work; that any damage done to the streets or alleys by reason of erecting poles shall be repaired without delay.

SEC. 3. That the erection and maintenance of said electric works in the streets and alleys of said City shall be under the control of the street department, which may order and compel any change necessary for the safety of the public in the use of the streets and alleys, and shall cause all things done in the streets and alleys to be done in a way as to cause as little inconvenience and damage to the public as is compatible with the effective erection and maintenance of said works, and said department shall have power to cause said works to conform to the public interest as aforesaid, in the original erection, and in any change deemed necessary, at the expense of the owners of said works.

SEC. 4. This ordinance shall take effect and be in force from and after its passage and publication.

Passed the Council, June 19, 1888.

HENRY KELLING,
City Clerk.

Approved, June 20, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 318.

AN ORDINANCE GRANTING TO THE WALLA WALLA LIGHT, POWER & FUEL COMPANY, AND THEIR ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE IN THE CITY OF WALLA WALLA, TERRITORY OF WASHINGTON, POLES, WIRES AND OTHER APPLIANCES FOR THE TRANSMISSION OF ELECTRICITY FOR LIGHTING AND POWER PURPOSES.

The City of Walla Walla does Ordain as follows:

SECTION 1. That there is hereby granted to the Walla Walla Light, Power & Fuel Company, (a corporation duly organized under the laws of the Territory of Washington,) the right and privilege for the period of twenty-five (25) years from the date hereof, to erect poles or underground conduits, wires and other appliances and conductors, in and through all streets, avenues, alleys and thoroughfares of the City of Walla Walla, as the same now exists or may hereafter be extended, for the purpose of furnishing the City and citizens with electricity for electric light and power purposes, and for any other purpose or purposes for which the same is or may hereafter be adopted.

SEC. 2. Whenever the streets shall have been excavated for the purpose of planting poles or inserting conduits, the surface of the same shall be restored as soon as practicable to its former condition by said company. Upon the said company failing within reasonable time to repair or restore said streets, the City of Walla Walla may immediately proceed to cause such repairs to be performed, the cost of such repairs or restoration to operate as a lien against the plant of said company.

SEC. 3. Said company hereby oblige themselves to construct their plant upon the most approved method and systems, and in such a manner so as not to interfere with the travel and traffic through said City or to cause any obstructions thereto.

SEC. 4. This ordinance shall take effect and be in force from and after its passage and approval, and written acceptance of the same by said company shall have been filed with the City Clerk within thirty (30) days of the approval hereof.

Passed the Council, June 19, 1888.

HENRY KELLING,
City Clerk.

Approved, June 20, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 319.

AN ORDINANCE GRANTING TO THE WALLA WALLA LIGHT, POWER & FUEL COMPANY, AND THEIR ASSIGNS, THE RIGHT TO CONSTRUCT, MAINTAIN AND OPERATE STREET RAILWAYS IN AND ADJACENT TO THE CITY OF WALLA WALLA, WASHINGTON TERRITORY.

The City of Walla Walla does ordain as follows:

SECTION 1. That there is hereby granted to the Walla Walla Light, Power & Fuel Company, (a corporation duly organized under the laws of the Territory of Washington,) the right and privilege for the period of twenty-five (25) years from the date hereof, to construct, maintain and operate a street railway, operate by means of animal power, compressed air, steam, cable or electric power, in, upon and through all streets, avenues and roads in the City of Walla Walla, as the same now exists or may hereafter be extended, for the purpose of furnishing the citizens of said City with transportation from point to point therein.

SEC. 2. The said company in consideration of this franchise hereby agrees that the fare charged passengers from point to point within the City limits shall not exceed the maximum price of ten cents (10c.)

SEC. 3. The said company further agrees that the road-bed of such railways shall be located upon the center of each street traversed, and that the same shall be completed and maintained level with the surface of said street so as to cause no unnecessary impediment in crossing to other vehicles, and also further agrees to restore all streets as soon as practicable after the construction of said railways to their normal condition.

SEC. 4. Upon the said company failing, within reasonable time after receipt of written notification, to repair, restore or maintain said street surface, the City of Walla Walla may proceed to cause such repairs to be performed, the cost of such repairs or restoration to operate as a lien against the plant of said company.

SEC. 5. This ordinance shall take effect and be in force from and after its passage and approval, and a written acceptance of the same by said company shall be filed within thirty (30) days of the approval thereof.

Passed the Council June 19, 1888.

HENRY KELLING,
City Clerk.

Approved, June 20, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 320.

AN ORDINANCE GRANTING A RIGHT OF WAY TO THE OREGON RAILWAY AND NAVIGATION COMPANY AND ITS SUCCESSORS IN INTEREST, OVER AND ALONG REES OR MAY AVENUE, IN THE CITY OF WALLA WALLA, WITH THE RIGHT TO CONSTRUCT, IMPROVE, REPAIR, KEEP, OPERATE AND MAINTAIN A RAILROAD AND TELEGRAPH LINE THEREON.

The City of Walla Walla does ordain as follows:

SECTION 1. That the right to lay down, grade, construct, improve, repair, keep, operate and maintain a railroad and telegraph line over and along May avenue and Rees avenue from the place where the said

avenues are crossed by the Oregon Railway and Navigation Company's railroad, thence along said avenues or either thereof, to Washington avenue, thence along Washington avenue to the County road, be and the same is hereby authorized, granted and confirmed.

SEC. 2. The said railroad company shall make and at all times keep in good condition and repair crossings and walks over and across said railroad track, in all streets crossing said track in said City not heretofore vacated, whenever said streets shall be ordered improved by ordinances.

SEC. 3. This ordinance shall take effect and be in force from and after its passage.

Passed the Council, July 17, 1888.

HENRY KELLING,
City Clerk

Approved, July 18, 1888.

JAMES MCAULIFF,
Mayor.

ORDINANCE NO. 322.

AN ORDINANCE TO GRANT TO THE OREGON AND WASHINGTON TERRITORY RAILROAD COMPANY AND ITS SUCCESSORS IN INTEREST, THE RIGHT TO LAY DOWN, MAINTAIN AND OPERATE LINES OF RAILROAD UPON, OVER AND ACROSS CERTAIN STEETS AND ALLEYS IN THE CITY OF WALLA WALLA.

The City of Walla Walla does ordain as follows:

SECTION 1. That there be and is hereby given and granted to the Oregon and Washington Territory Railroad Company and its successors in interest, the right to lay down, maintain and operate a railroad line over, along and upon all the following streets and alleys, and on the following described line: Commencing at the west end of May avenue in Key's addition, thence along May avenue to near intersection of Bowman street; across Bowman street and Paxton street and Rees avenue in Butler's addition; across Jackson street, Eight street, Seventh street, Sixth street and Fifth street in Langford's addition; across Moore street, between blocks J and K, in Sheil's addition; across Madison street near Elm, in Sheil's addition; across Pine street, between blocks 1 and 8, in Shauble's addition; along Spokane street, between blocks 23 and 24, and between blocks 7 and 8, and across Spokane street, be-

tween blocks 5 and 6, in Cain's addition; across Rose street between blocks 2 and 5, in Cain's addition; across Main street at or near intersection of Palouse street, Boyer avenue and Main street; across Tukanon street at intersection of Pearl, along Pearl street to Touchet street, across Touchet at intersection of Baker street, along Baker to Main street, across Main street at intersection of Baker; also across the alleys in blocks 1, 2, 3 and 4, Langford's addition; across alley in block 2, Butler's addition, and across and through alley in block 2, Cain's addition, all in the City of Walla Walla.

SEC. 2. The said railroad company shall make and at all times keep in good condition and repair crossings and walks over and across said railroad track, in all streets crossing said track in said City not heretofore vacated, whenever said streets shall be ordered improved by ordinance. This ordinance shall take effect and be in force from and after its prssage and approval.

Passed the Council, September 5, 1888.

HENRY KELLING,
City Clerk.

Approved, September 5, 1888.

D. W. SMALL,
Acting Mayor.

ORDINANCE NO. 330.

AN ORDINANCE TO GRANT A STREET RAILWAY FRANCHISE.

The City of Walla Walla does Ordain as follows :

SECTION 1. That H. E. Johnson, H. F. Holmes, R. R. Reese and Max Baumeister their successors and assigns be and are hereby authorized and empowered to lay down, construct, grade, improve and repair a street railway track on, over and along any street or streets, alley or alleys, within the corporate limits of Walla Walla City, and to maintain and operate a street railway system and run their cars over same.

SEC. 2. That the rails and road-bed of said track shall be laid as near as practicable on the grade of the street and in such a way as not to interfere with the use of the streets by teams or the crossing thereof by vehicles of any kind ; and that the portion of the street occupied by the track shall at all times be kept in good repair.

SEC. 3. If work on the said street railway shall not be commenced within six months from this date this franchise shall become void ; but

if work on the said street railway shall be commenced and one mile completed within six months from this date, the right hereby granted shall continue for twenty-five years from this date.

SEC. 4. The City of Walla Walla reserves the right at all times to regulate and limit the charges for fares on said street railways, but the said City shall not by any regulation or limitation reduce them below five cents for each adult person carried

SEC. 5. This ordinance shall take effect and be in force from and after its passage.

Passed the Council February 5, 1889.

HENRY KELLING,
City Clerk.

Approved, February 5, 1889.

GEORGE T. THOMPSON,
Mayor.

ORDINANCE NO. 331.

AN ORDINANCE TO PROHIBIT THEATERS, VARIETY THEATERS, SHOWS OR VARIETY SHOWS, DANCE HOUSES OR PUBLIC EXHIBITIONS OF ANY KIND IN ANY ROOM IN THE SAME STORY, OR ON THE SAME FLOOR OF ANY BUILDING IN WHICH SPIRITUOUS, FERMENTED, MALT OR OTHER INTOXICATING LIQUORS ARE SOLD OR DISPOSED OF, OR CONVEYED INTO BY A DUMMY OR WAITERS FOR THE PURPOSE OF BEING DRANK ON THE PREMISES.

The City of Walla Walla does Ordain as follows:

SECTION 1. No theater, variety theater, show, variety show, dance house or public exhibition of any kind shall be given or held in any room in the same story or on the same floor of any building within the corporate limits of the City of Walla Walla, in which spirituous, fermented, malt or other intoxicating liquors are sold or disposed of, or conveyed into by a dummy or waiters for the purpose of being drank on the premises.

SEC. 2. No license shall be granted to any person or persons, firm, company or corporation, to conduct, manage or carry on any theater, variety theater, show, variety show, dance house or public exhibition of any kind in any room, in the same story or on the same floor of any building within the corporate limits of the City of Walla Walla, in which

spirituous, fermented, malt or other intoxicating liquors are sold or disposed of, or conveyed into by a dummy or waiters for the purpose of being drank on the premises ; and the selling or disposing of any such liquors in the same room, or on the same floor, or in the same story, where any theater, variety theater, show, variety show, dance house or public exhibition of any kind shall be held or given, shall forfeit and annul any license granted for any theater, show or exhibition of any kind.

SEC. 3. Any proprietor, keeper, or person having control, or being in charge or possession of any room, building or place who give, permit or allow any theater, variety theater, show, variety show, dance house or public exhibition of any kind contrary to the provisions of this ordinance, shall, upon conviction be fined in any sum not less than fifty (\$50) dollars or more than one hundred (\$100) dollars.

SEC. 4. This ordinance shall take effect from and after its passage and publication.

Passed the Council, February 19, 1889.

HENRY KELLING,
City Clerk.

Approved, February 19, 1889.

GEORGE T. THOMPSON,
Mayor.

ORDINANCE NO. 333.

AN ORDINANCE GRANTING A RIGHT OF WAY TO THE OREGON RAILWAY
& NAVIGATION CO., OVER AND ALONG THE ALLEY IN BLOCKS 4
AND 10 OF BUTLER'S ADDITION, WITH THE RIGHT TO
CONSTRUCT, KEEP, OPERATE AND MAINTAIN A
RAILROAD LINE THEREON.

The City of Walla Walla does Ordain as follows :

SECTION 1. That the right to lay down, grade, construct and maintain a railroad line over and along the alley in blocks 4 and 10 in Butler's addition to said City be and is hereby granted to the Oregon Railway & Navigation Company.

SEC. 2. The said railroad company shall make and at all times keep in good condition and repair crossings and walks over and across said railroad track at all streets crossing said track whenever said streets shall be ordered improved by ordinance.

SEC. 3. This ordinance shall be in force from and after its passage and approval.

Passed the Council, April 2, 1889.

HENRY KELLING,
City Clerk.

Approved, April 2, 1889.

GEORGE T. THOMPSON,
Mayor.

ORDINANCE NO. 348.

AN ORDINANCE TO ESTABLISH THE GRADE OF SEVENTH STREET BETWEEN ROSE AND WILLOW STREETS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the grade of Seventh street between Rose and Willow streets be established at the following elevations above the City datum:

South side of Rose street.....	70.00
North side of Main street.....	71.09
South side of Main street.....	71.09
North side of Alder street.....	73.15
South side of Alder street.....	73.15
North side of Poplar street.....	73.07
South side of Poplar street.....	73.07
North side of Birch street.....	73.07
South side of Birch street.....	73.07
North side of Willow street.....	74.00
South side of Willow street.....	74.00

SEC. 2. This ordinance shall be in effect from and after its passage and approval.

Passed the Council November 5, 1889.

HENRY KELLING,
City Clerk.

Approved, November 5, 1889.

N. G. BLALOCK,
Mayor.

ORDINANCES OF THE

ORDINANCE NO. 372.

AN ORDINANCE IN RELATION TO ANIMALS GRAZING IN STREETS
AND ALLEYS.

The City of Walla Walla does ordain as follows:

SECTION 1. That it shall be unlawful for any person to herd, drive, picket or tie any grazing animal in any street or alley within the City limits for the purpose of pasture or for the purpose of allowing any such animal to graze in any such street or alley.

SEC 2. Any person violating any of the provisions of this ordinance, shall, on conviction thereof, be fined any sum not less than \$5 or more than \$100.

SEC. 3. It is hereby made the duty of all police officers and of the Poundmaster to enforce the provisions of this ordinance, and make complaints against all persons guilty of violating any of the provisions hereof.

SEC. 4 This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed the Council, June 3, 1890.

HENRY KELLING,
City Clerk.

Approved, June 3, 1890.

N. G. BLALOCK,
Mayor.

ORDINANCE NO. 382.

AN ORDINANCE TO PROVIDE A MANNER OF TRIAL OF ANY ELECTED
CITY OFFICER ON CHARGES PREFERRED AGAINST
SUCH OFFICERS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That all charges against any elected City officer must be in writing signed by some citizen and duly verified by affidavit and a copy thereof served on the accused officer.

SEC. 2. When charges are preferred as aforesaid, the Mayor shall fix a time for the trial thereof, and call the Council to meet for the purpose of trying the accused and notify the members of the Council of the

time and place of such trial, and when the Council is assembled for that purpose they shall hear all the evidence under the same rules as to proceedings and practice as prevail in courts of justice in this State.

SEC. 3. At the conclusion of the trial the Council shall decide the charges sustained or not sustained as the case may be, and shall pronounce judgment and sentence according to the provisions of the City charter.

SEC. 4. The Mayor shall issue subpoenas requiring all witnesses required by either party to attend such trial and testify thereat.

SEC. 5. This ordinance shall be in force from and after its passage, approval and publication.

Passed the Council September 19, 1890.

HENRY KELLING,
City Clerk.

Approved. September 19, 1890.

N. G. BLAILOCK,
Mayor.

ORDINANCE NO. 388.

AN ORDINANCE TO PROTECT TELEGRAPH, TELEPHONE AND ELECTRIC
LIGHT POLES, AND REQUIRING THE SAME TO BE PAINTED.

The City of Walla Walla does Ordain as follows:

SECTION 1. That it shall be unlawful for any person or corporation to injure, impair or remove any telegraph, telephone or electric light poles lawfully erected within any of the streets of this City, or to attach thereto any placard, handbill or any other thing whatever; provided, nevertheless that nothing in this section contained shall prevent the City of Walla Walla from causing the removal or change of location of any of the things mentioned in this ordinance, when the City shall deem it advisable so to do; provided, that the person or company owning such poles shall first paint such poles and post notices at their own expense on the said poles of the provisions of this ordinance before it shall be unlawful to do the things herein mentioned and prohibited.

SEC. 2. That any person who shall violate the provisions of Section 1 of this ordinance shall, on conviction thereof, be fined in a sum of not more than \$20.

SEC. 3. That all telephone, telegraph and electric light poles now

erected shall be painted on or before April 1, 1891, and all hereafter erected, within thirty days after their erection by the person or corporation owning the same.

SEC. 4. This ordinance shall be in force after its passage, approval and publication.

Passed the Council December 2, 1890.

HENRY KELLING,
City Clerk.

Approved, December 2, 1890.

N. G. BLALOCK,
Mayor.

ORDINANCE NO. 412.

AN ORDINANCE TO PROHIBIT OBSTRUCTIONS OF MILL CREEK.

The City of Walla Walla does Ordain as follows:

SECTION 1. That no person shall narrow the present channel of Mill creek within the limits of the City of Walla Walla or put in the said creek any obstructions to the flow of the current thereof, without having first obtained a permit therefor, specifying the locality of abutment, pier, piling or fill, and the kind and nature thereof and the manner in which it is to be made, from the street department of said City and all work done under said permit shall be done under the auspices of said department and according to its direction.

SEC. 2. It shall be the duty of the street department to immediately cause a survey of the channel and banks of Mill creek within said City limits and so much thereof as may be necessary to protect said City, both above and below said City to be made, and mark and describe the banks and boundaries thereof to the narrowest limit deemed consistent with the safety of the City, with the necessary turns and windings to preserve property, and cause a plat to be made thereof; provided, that the channel of said creek shall not be less than 46 feet wide at any place within said City.

SEC. 3. The City Attorney shall sue out a writ of injunction or institute other proceedings to prevent any person from violating this ordinance.

Passed the Council June 2, 1891.

HENRY KELLING,
City Clerk.

Approved, June 2, 1891.

N. G. BLALOCK,
Mayor.

ORDINANCE NO. 414.

AN ORDINANCE TO AUTHORIZE THE CONTRACTING AND INCURRING OF A CITY INDEBTEDNESS FOR THE FUNDING OF THE PRESENT CITY INDEBTEDNESS AND FOR THE MAKING OF MUNICIPAL IMPROVEMENTS TO THE AMOUNT OF \$50,000, AND PROVIDING FOR THE ISSUING OF BONDS THEREFOR, PROVIDED, THREE-FIFTHS OF THE VOTERS VOTING AT AN ELECTION TO BE HELD AS HEREIN PROVIDED FOR, VOTE FOR AND ASSENT THERETO.

The City of Walla Walla does Ordain as follows :

SECTION 1. That the City shall borrow the sum of \$50,000 and contract an indebtedness of said amount for the funding of the present City indebtedness and for the making of municipal improvements.

SEC. 2. That the City issue as evidence of said indebtedness bonds to the said amount, which said bonds shall be in the denomination of \$1000 each, due in twenty years after date and draw interest at a rate of not to exceed 6 per cent. per annum, interest payable semi-annually. Such bonds, both principal and interest, shall be payable at such place as shall be hereafter designated by the Council, and the form of said bonds to be hereafter prescribed by the City.

SEC. 3. That the said money shall not be borrowed, nor indebtedness incurred, nor bonds issued unless three-fifths of the voters voting at an election to be held for that purpose on July 13, 1891, that being the date of the annual City election, vote for and assent thereto, and twenty days notice shall be given of said election by the City Clerk, which notice shall state the object for which the indebtedness is proposed to be incurred, the amount thereof, and that such election is held by virtue of the authority of this ordinance.

SEC. 4. That such election shall be conducted as near as may be in the manner provided by law for holding general City elections and the result canvassed and entered on the City records.

SEC. 5. That such election shall be held under the supervision of the same election officers and at the same polling places as the general City election, and the ballot used at said election shall read substantially as follows: "For the borrowing of \$50,000 for the funding of the present City indebtedness and for the making of municipal improvements, as provided by Ordinance No. 414" or "against the borrowing of \$50,000 for the funding of the present City indebtedness and for the making of municipal improvements as provided by Ordinance No. 414," and such ballot shall be separate from the ballots for City officers and deposited in a ballot box separate therefrom.

SEC. 6. This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed the Council, June 16, 1891.

HENRY KELLING,
City Clerk.

Approved, June 16, 1891.

N. G. BLALOCK,
Mayor.

ORDINANCE NO. 417.

AN ORDINANCE GRANTING TO THE WALLA WALLA AGRICULTURAL AND INDUSTRIAL EXPOSITION, INCORPORATED, THE RIGHT TO CONSTRUCT AND MAINTAIN A BUILDING SPANNING MILL CREEK ON THE SOUTHERLY SIDE OF MAIN STREET AND ADJOINING FIRST STREET.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the City of Walla Walla does hereby grant to and confer upon the Walla Walla Agricultural and Industrial Exposition the right to build, construct and permanently maintain a building across and over the channel of Mill creek within the entire limits of certain lands now owned by said company at the southeast corner of Main and First streets, and for such other distance up and over the channel of Mill creek as will intersect the easterly line of their said property if extended across said creek, the same to be erected upon stone foundations and piers sufficiently high from the bed of the creek to allow ample room for the waters of said creek to pass under the said building at all times and the said Walla Walla Agricultural and Industrial Exposition to, at all times, keep the channel of said creek under said building between

said foundations and piers free from any and all obstructions, said building to be a permanent and substantial building to cost not less than \$15,000.

SEC. 2. That the rights and privileges hereby granted are upon the express condition that said Walla Walla Agricultural and Industrial Exposition shall comply fully with all the terms hereof.

SEC. 3. This ordinance is intended to give effect to a certain grant made to said corporation at a regular meeting of the City Council, November 18, 1890, regularly and duly adopted and entered in the minutes of said meeting as shown in Record of Council Proceedings at Page 523.

SEC. 4. This ordinance shall be in force from and after its passage, approval and publication.

Passed the Council, July 11, 1891.

HENRY KELLING,
City Clerk.

Approved, July 11, 1891.

N. G. BLALOCK,
Mayor.

ORDINANCE NO. 424.

AN ORDINANCE TO REGULATE EMPLOYES IN DRINKING SALOONS, AND PREVENT DANCING, MUSIC AND SINGING THEREIN, AND IN PLACES ADJOINING AND CONNECTED THEREWITH.

The City of Walla Walla does Ordain as follows :

SECTION 1. No proprietor, keeper or person having control of a place wherein spirituous or malt liquor is sold shall induce or permit any woman or girl to dance or sing therein, or in any premises or room over which he has control, or connected therewith, or adjacent thereto.

SEC. 2 No proprietor, keeper or person having control of any premises, room, or place connected with or opening into any room or hallway, or stairway connected with any place where spirituous or malt liquor is sold shall permit any woman or girl to dance or sing therein.

SEC. 3. No proprietor, keeper or person having control of any place where spirituous or malt liquor is sold or disposed of shall permit, or allow, or employ any woman or girl to wait on customers or attend the bar.

SEC. 4. No proprietor, keeper or person having control of any premises, room or place where spirituous or malt liquor is sold or disposed of, shall permit or allow any music or singing on said premises.

SEC. 5. Any person violating any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not less than \$25 nor more than \$100

SEC. 6. Ordinance No. 245 entitled "an ordinance to regulate employees in drinking saloons and prevent dancing therein and in places adjoining and connected therewith," and all ordinances or parts of ordinances in conflict with the provisions of this ordinance, are hereby repealed.

SEC. 7. This ordinance shall be in force and take effect from and after its passage and approval.

Passed the Council, September 15, 1891.

HENRY KELLING,
City Clerk.

Approved, September 15, 1891.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 434.

AN ORDINANCE TO AUTHORIZE THE BORROWING OF \$40,000 FOR FUNDING THE OUTSTANDING INDEBTEDNESS OF THE CITY OF WALLA WALLA, AND THE ISSUANCE OF \$40,000 OF BONDS OF THE CITY OF WALLA WALLA FOR SUCH PURPOSE, AND TO REPEAL ORDINANCE NO. 423, ENTITLED "AN ORDINANCE TO AUTHORIZE THE BORROWING OF THE SUM OF \$40,000 BY THE CITY OF WALLA WALLA, FOR THE PURPOSE OF FUNDING THE PRESENT CITY INDEBTEDNESS."

The City of Walla Walla does ordain as follows:

SECTION 1. Whereas, the City of Walla Walla has outstanding and unpaid its legally issued warrants and other evidence of indebtedness amounting to the sum of \$44,556.05, all of which said warrants, were legally issued for purely municipal purposes, and for the payment of which the City is legally bound and holden; and whereas, the said floating indebtedness can be funded at a lower rate of interest and with

profit and benefit to the City; and whereas, it is necessary to borrow for said purpose the sum of \$40,000, which said sum can be borrowed at the lowest rate of interest and upon the most advantageous terms by the issue and sale of negotiable twenty year bonds of the City, bearing six per cent. interest, payable semi-annually; and the City of Walla Walla, being a City of other than the first class, and none of said warrants having been issued for the purpose of supplying the City with water, artificial light or sewers, has full power and authority to borrow said money and issue and sell negotiable bonds as herein provided for, under authority of an act of the Legislature of the State of Washington, approved March 7, 1891, entitled "An Act to authorize Cities and Towns to borrow money for municipal purposes and to issue negotiable bonds therefor;" and, whereas, the City of Walla Walla has received a large number of bids for said bonds, and has accepted the highest and best bid, which is more than par and accrued interest, and is a fair price for said bonds; now, therefore,

The City of Walla Walla does Ordain as follows:

SEC. 2. That there be, and hereby are, ordered issued \$40,000 of negotiable bonds of the City of Walla Walla, said bonds to be of the denomination of \$1000 each, to be forty in number, numbered from one to forty, both numbers inclusive, and each of said bonds shall bear date and draw interest from January 1, 1892, and shall be due and payable January 1, 1912, and bear interest from date, until paid, at the rate of six per cent. per annum, payable semi-annually, on the first day of January and July in each year; and each of said bonds shall be signed by the Mayor and by the City Clerk of the City of Walla Walla, and sealed with the seal of said City, and each of said bonds shall be payable, both principal and interest, in lawful money of the United States, at the Chemical National bank in the City of New York, upon the presentation and surrender of the bonds and coupons as they severally mature. Each of said bonds shall have attached thereto forty coupons, each bearing the number of the bond to which it is attached, each for the sum of \$30, representing the semi-annual interest payments to fall due upon said bonds, said coupons to be numbered from one to forty, both numbers inclusive, one thereof to mature on the first day of January and July in each year, until the maturity of said bonds, the first of said coupons to mature July 1, 1892, said coupons to be signed by the Mayor and the City Clerk. Each of said bonds shall contain a proper recital showing that the same was lawfully issued and delivered, and shall contain a provision irrevocable pledging the full faith and credit of the City of Walla Walla to the payment of the same, principal and interest, according to the tenor thereof.

SEC. 3. It is hereby stated, recited and declared that the assessed

valuation of the taxable property of the City as ascertained by the last assessment of said City, for City purposes previous to the passage of this ordinance, is \$3,108,290, the amount of the indebtedness of the City, including this issue of bonds, at this date, is \$44,556.05.

SEC. 4. The Mayor and City Clerk of the City of Walla Walla, are hereby authorized, empowered, instructed and directed to sign and seal with the seal of the City, execute and issue said bonds and coupons for and on behalf of the City of Walla Walla, and to deliver said bonds so signed, and issued to the purchasers in accordance with the terms of the contract heretofore entered into.

SEC. 5. The Treasurer of the City of Walla Walla is hereby directed to keep in the register, provided for that purpose, a record of all of said bonds, which register shall show the number, date, amount, rate of interest, name of payee and when and where payable.

SEC. 6. And there is hereby levied on all of the taxable property of the City of Walla Walla, in addition to the tax for other purposes in said City, a tax to pay the interest on said bonds as the same shall accrue, and before seven years prior to the maturity of any bonds, there shall also be annually levied a sinking fund tax sufficient for the payment of said bonds at maturity; which said taxes shall become due and collectible as other taxes are.

SEC. 7. Each of the aforesaid bonds shall have printed on the back thereof a copy of the act, under authority of which this issue of bonds is made, a copy of this ordinance, a statement of the Mayor and City Clerk that this ordinance was passed by the vote of at least four Councilmen, and a statement of the City Treasurer that the same has been registered as required by law.

SEC. 8. That ordinance No. 423, entitled "An ordinance to authorize the borrowing of the sum of \$40,000, by the City of Walla Walla for the purpose of funding the present City indebtedness," passed and approved September 15, 1891, be and the same is hereby repealed.

SEC. 9. This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed the City Council, December 28, 1891.

HENRY KELLING,
City Clerk.

Approved, December 28, 1891.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 469.

AN ORDINANCE TO PROHIBIT THE PICKING, "SLIPPING" CUTTING OR
REMOVAL OF ANY PLANT, FLOWER, SHRUB, VINE OR BUSH FROM
ANY GRAVE, LOT OR ENCLOSURE WITHIN THE
CITY CEMETERY.

The City of Walla Walla does ordain as follows:

SECTION 1. That any person or persons who shall cut, slip, pick, slip, break or remove from any lot, grave or inclosure, within the limits of the City cemetery any flower, vine, plant, shrub, or bush, or tree or any part thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding ten (\$10) dollars for each and every offense.

SEC. 2 That this ordinance shall not apply to the removal of any of the above described articles by the City Sexton or when done under his direction or authority for the improvement or benefit of the grounds.

SEC. 3. This ordinance shall be in force and effect upon its passage by the Council and approval of the Mayor.

Passed the Council, April 18, 1893.

HENRY KELLING,
City Clerk.

Approved, April 18, 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 471.

AN ORDINANCE TO PREVENT DAMAGE TO ANY SIDEWALK OR "PARK"
ADJACENT THERETO, BY ALLOWING ANIMALS TO
TRESPASS THEREON.

The City of Walla Walla does Ordain as follows:

SECTION 1. That any person or persons who shall drive or ride, or allow any horse, cow or other animal to go upon any sidewalks, or that part adjacent thereto, termed "the park" to their damage, on any street of the City of Walla Walla, where such street has been graded, sidewalked or "parked," or shall cause any damage to any tree, shrub or sod, planted, sowed or growing within said "park," or shall damage any part of said sidewalk, shall be deemed guilty of a misdemeanor, and upon conviction

thereof, shall be fined in any sum not exceeding \$10 for each offense, and in addition thereof to such fine shall pay the cost of repair to such sidewalk, or replacing of any tree, shrub or sod damaged.

SEC. 2 This ordinance shall be in force and effect upon its passage by the Council and approval by the Mayor.

Passed the Council May 2, 1893.

HENRY KELLING,
City Clerk.

Approved, May 2, 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 480.

AN ORDINANCE TO PROVIDE FOR THE CONSTRUCTION OF A SYSTEM OF WATERWORKS TO SPECIFY AND ADOPT THE GRAVITY SYSTEM OF WATERWORKS, TO AUTHORIZE THE PURCHASE, CONDEMNATION AND APPROPRIATION OF LANDS IN THE CITY OF WALLA WALLA AND THE COUNTY OF WALLA WALLA, NECESSARY AND EXPEDIENT FOR THE CONSTRUCTION AND MAINTAINENCE OF SAID WATER WORKS AND FOR A RIGHT OF WAY, TO DECLARE THE ESTIMATED COST OF SAID WATER WORKS, LANDS AND RIGHT OF WAY; TO PROVIDE FOR BORROWING MONEY TO BE USED IN PAYMENT THEREFOR BY ISSUING THE NEGOTIABLE COUPON BONDS OF SAID CITY FOR THE SUM OF \$160,000; AND TO PROVIDE FOR THE CALLING OF A SPECIAL ELECTION FOR SUBMITTING SUCH QUESTIONS TO THE QUALIFIED VOTERS OF THE CITY OF WALLA WALLA FOR THEIR RATIFICATION OR REJECTION.

The City of Walla Walla does Ordain as follows :

Whereas, the City Council of said City of Walla Walla deem it advisable that the said City shall exercise the authority conferred upon them in relation to waterworks under and by virtue of an act of the legislature of the State of Washington, entitled "An act relating to and authorizing Cities and Towns to purchase, construct and maintain waterworks, systems of sewerage, gas and electric light plants, and to issue bonds to pay therefor, and declaring an emergency," approved, February 10, 1893, now therefore,

The City of Walla Walla does ordain as follows:

SECTION 1. That the gravity system of waterworks be, and the

same is hereby specified and adopted, and the same shall be constructed so that it shall be sufficient to adequately supply the City of Walla Walla and the inhabitants thereof with pure, fresh water, sufficient for all their necessary uses.

SEC. 2. The estimated cost of said system of waterworks and improvements as herein proposed is \$160,000 divided as follows:

1,472.22 tons of cast iron pipe at \$45.10	\$66,397
Laying 87,530 linear feet 4 to 14 inch pipe	15,502
Hydrant connections.....	1,290
Pipe delivery.....	736
Special castings.....	1,837
70 hydrants.....	2,700
114 valves.....	3,000
Gravity main.....	42,929
Water supply.....	10,000
Lands and right of way.....	8,000
Contingency and engineering.....	7,609
Total estimated cost.....	\$160,000

It being proposed to take the necessary supply of water from a point on the following described premises in Walla Walla County, State of Washington, to-wit: Beginning at a point described in deed from Joseph W. Harbert to Green Riffle as being a point 30.95 chains north of a point where the south line of the United States Military Timber Reservation intersects the section line between Sections 23 and 24, Tp. 7, N. R. 36, E. W. M., thence south 1175.7 feet; thence north 64° 15', east 1.28 feet; thence north 89° 03' east 150 feet; thence north 66° 45' east 500 feet; thence north 54° 48' east 200 feet; thence north 50° 35' east 283 feet; thence north 69° 52' east 200 feet; thence north 87° 43' east 0.93 feet; thence south 86° 44' east 300 feet; thence south 84° 14' east 100 feet; thence north 56° 30' east 1300 feet; thence south 85° 26' west 383 feet; thence north 66° 33' west 399 feet; thence south 24° 53' west 531.8 feet; thence south 60° 27' west 183.8 feet; thence north 18° 22' west 320 feet; thence north 15° 03' west .075.2 feet; thence south 79° west 1350 feet, to the point of beginning, containing in all 56.20 acres, and to conduct the same by means of mains and supply pipes by the shortest and most direct route practicable to the corporate limits of said City, and to distribute the same by means of mains and pipes throughout said City.

SEC. 3. That the Mayor and Water Committee of said Council shall have the power to purchase lands necessary and expedient for obtaining said supply of water, for maintaining a water works plant and for right of way, and in the event that the said City Council shall be unable to agree with the owner or owners of any said land necessary or expedient

for the purposes above specified, the said land shall be appropriated and condemned under and by virtue and in accordance with an act of the legislature of the State of Washington, entitled "an act to regulate the mode of proceeding to appropriate lands, real estate or property by corporations for corporate purposes, and of ascertaining and securing compensation therefor, and repealing laws in conflict with this act and declaring an emergency," approved, March 21, 1890, as amended by an act of said legislature, entitled "An act in relation to the appropriation or property by corporation," approved, February 25, 1891, and as further amended by an act of said Legislature, entitled "An act giving the power and regulating the mode of procedure to acquire, take or damage private property by municipal corporations, except Cities of the first class and of ascertaining and securing compensation therefor and repealing laws in conflict with this act," approved March 8, 1893.

SEC. 4. For the purpose of borrowing money for the construction of said water works and the payment for said lands and right of way, the City of Walla Walla shall issue its negotiable coupon bonds for the sum of one hundred and sixty thousand dollars in denominations of one thousand dollars each, numbered from one up consecutively, bearing the date of their issue, payable not more than twenty years from their date to bearer at some bank in the City of New York, State of New York to be hereafter designated by said Council, bearing interest at five per cent per annum, interest payable semi-annually, with interest coupons attached, to be payable in gold coin of the United States of America of the present standard, weight and fineness, and to be known as the "water bonds of the City of Walla Walla," and said bonds shall, after being duly advertised for sale for at least thirty days, shall be sold by the said City Council upon the most advantageous terms, and the proceeds of said bonds shall be paid into the City Treasury to the credit of a fund to be known as the "City Water Fund."

SEC. 5. If the incurring of said indebtedness and the issue of said bonds shall be authorized by vote of the people as hereinafter provided for, there shall be levied each year a tax upon the taxable property of said City of Walla Walla sufficient to pay the interest on said bonds as the same accrues, and before seven years prior to the maturity of said bonds an annual sinking fund tax sufficient for the payment of said bonds at maturity, which taxes shall become due and collectible by said City as other taxes, and in accordance with the Revenue Laws of the State of Washington.

SEC. 6. That a special election shall be held in and for said City of Walla Walla on the 27th day of July, 1893, for the purpose of submitting to the qualified voters of said City the question of the adoption or rejection

tion of the said proposed system of water works and the question whether the said City shall become indebted and issue bonds for the construction of said water works as above specified.

SEC. 7. All persons who shall be in favor of the adoption of said gravity system and the construction of said water works and the incurring of said indebtedness as herein proposed, shall at said election vote a ballot, containing the following words, to-wit: "In favor of the adoption of the gravity system of water works and the construction of water works by the City of Walla Walla, and the incurring of an indebtedness for said water works and the issuing of negotiable coupon bonds of said City therefor, in accordance with Ordinance No. 480 of said City of Walla Walla." Every person who shall vote against said propositions shall vote a ballot containing the following words, to-wit: "Against the adoption of the gravity system of water works and the construction of water works by the City of Walla Walla, and the incurring of an indebtedness for said water works, and the issuing of negotiable coupon bonds of said City therefor, in accordance with Ordinance No. 480 of said City of Walla Walla."

SEC. 8. Said election shall be held at such voting places in the several precincts of said City, and shall be conducted by such judges and inspectors of election as may be hereafter designated and appointed, and shall be conducted in all respects as provided by the charter of said City and the general laws of the State of Washington. The City Clerk shall give at least thirty days notice of the time, place and purpose of said election and of the proposition to be submitted thereat together with the form of ballot to be used, which notice shall be published in the City official newspaper for thirty days next preceding said election, and shall be posted for a like period at all the places designated therein for holding said election.

SEC. 9. This ordinance shall immediately after its passage and approval by the Mayor be published in the official newspaper of said City for five days consecutively in each issue of said paper during said time and shall take effect upon the expiration of said publication.

Passed the Council, June 20, 1893.

HENRY KELLING,
City Clerk.

Approved, June 20, 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 486.

AN ORDINANCE TO LICENSE AND REGULATE DRINKING SALOONS AND
TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES ON THE SAME SUBJECT.

The City of Walla Walla does Ordain as follows:

SECTION 1. No person or firm shall keep within the City of Walla Walla a saloon, bar-room, sample-room or other place where spirituous or malt liquors are sold by the drink or bottle, or in quantities less than one gallon, without first obtaining a license therefor as hereinafter provided.

SEC. 2. That hereafter the license for the sale of spirituous, malt or other intoxicating liquors, as provided in the preceding section, shall be three hundred and fifty dollars per annum, payable in advance, and no receipt for liquor license shall be given until said sum is paid.

SEC. 3. Each person or firm applying for such license shall execute to the City of Walla Walla a bond with two or more sureties, which bond shall be approved by the Mayor and filed with the City Clerk, said bond to be in the sum of fifteen hundred dollars, conditioned that the party or parties giving the bond shall keep an orderly house, while doing business under said license; and with the said bond shall be filed the affidavit of the sureties, from which it must appear that they are residents of the County of Walla Walla and State of Washington, and that, taken together, they are worth double the amount specified in the bond, over and above all debts and liabilities, and exclusive of property exempt from execution. The City Clerk shall report all bonds so approved by the Mayor and filed with him, to the Council of said City at the next regular meeting thereof; provided, that if at any time the said Council shall deem the bond insufficient, a new and sufficient bond shall be immediately filed or the license shall become void.

SEC. 4. Whenever it shall appear that the party or parties to whom a license is issued hereunder are keeping a disorderly house, the said Council may at any time revoke said license; provided, however, that nothing in this section shall be construed to prevent the City from proceeding upon any bond given under the provisions of Section 3 of this ordinance.

SEC. 5. That any person or firm who shall sell spirituous or malt liquors contrary to the provisions of this ordinance, or after the license of said person or firm shall have been revoked, shall, for the first offense, be fined in the sum of one hundred dollars, and for each subsequent offense one hundred dollars.

SEC. 6. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance, and upon the same subject matter, are hereby repealed.

SEC. 7. This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed the Council, August 15, 1893.

HENRY KELLING,
City Clerk.

Approved, August 15 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 492.

AN ORDINANCE REQUIRING THE EXCAVATION OF PRIVY VAULTS, PRE-
SCRIBING THE MAXIMUM CHARGE FOR SUCH WORK, PRE-
SCRIBING REGULATIONS FOR THE DISPOSITION OF
MATTER TAKEN FROM PRIVY VAULTS AND
PROVIDING A PENALTY FOR VIOLA-
TION OF THIS ORDINANCE.

The City of Walla Walla does Ordain as follows:

SECTION 1. All privy valuts within the limits of the City of Walla Walla shall be excavated at least once in every 12 months.

SEC. 2. The owner or owners of any premises upon which any privy vault remains unexcavated for a longer period than 12 months shall be deemed guilty of maintaining a nuisance and upon conviction before any City Justice shall be fined in any sum not less than five dollars nor more than twenty-five dollars.

SEC. 3. No person employed to excavate any vault shall charge or demand for his services more than the price herein specified, viz: 25 cents per cubic foot; provided, however, that \$3 shall be the minimum price for such service, and that the maximum charge shall not exceed \$10.

SEC. 4. The person employed to excavate any vault shall issue a certificate of excavation to the owner of the premises upon which said vault is located, which certificate must vouch for the proper excavation of such vault, and bear the date when the same was done.

SEC. 5. The matter excavated from any privy vault shall not be disposed of to any person or persons who are engaged in raising garden vegetables, but shall be buried in such manner and place as may be directed by the committee on Health and Police.

SEC. 6. No privy vault shall be filled with earth on any premises within the City limits without the excrement being first excavated, except by consent of the City Health Officer, whose duty in the matter shall be to satisfy himself that the public health will not be endangered thereby.

SEC. 7. Any person violating any of the provisions of this ordinance shall, upon conviction before the City Justice, be fined in any sum not less than five nor more than twenty-five dollars.

SEC. 8. This ordinance to take effect and be in force from and after its passage, approval and publication.

Passed the Council, October 3, 1893.

HENRY KELLING,
City Clerk.

Approved, October 3, 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 494.

AN ORDINANCE TO PROVIDE A LICENSE FOR CERTAIN BUSINESS, TRADES AND OCCUPATIONS, TO PROVIDE FOR THE COLLECTION THEREOF, AND TO PREVENT THE SAME WITHOUT SUCH LICENSE.

The City of Walla Walla does Ordain as follows:

SECTION 1. That no person, firm, company or corporation shall engage in, prosecute or carry on any business, trade or occupation within the corporate limits of the City of Walla Walla, for which a license is required by this ordinance, until they shall have obtained such license.

SEC. 2. That from and after the 31st day of October, 1893, there shall be paid to the City Treasurer of Walla Walla City, by persons, firms, companies and corporations doing the business hereinafter specified, the following sums for license therefor, to-wit:

SEC. 3. Auctioneers shall pay a quarterly license of \$10.

SEC. 4. Each peddler, hawker, traveling merchant or retail vendor, who shall carry, pack or sell goods, wares or merchandise, or shall sell or solicit orders by sample by retail, except producers who shall sell

their garden or country produce, and milk or bread wagons, \$5 per day; provided, that persons having a regular place of business may deliver goods without such license; and, provided further, that the vendors of meat, fish and poultry shall pay a quarterly license of \$10.

SEC. 5. Patent medicine and street fakirs, \$10 per day; provided, that no license shall be granted therefor without a permit from the Mayor.

SEC. 6. Each broker, per quarter, \$20; provided, that the term broker shall include stock brokers, exchange brokers, pawn brokers and dealers in City, County and State warrants and soldiers' floats.

SECS. 7 and 8¹.

SEC. 9. For each wash house or laundry, per quarter, \$10,

SEC. 10. Theaters shall pay a quarterly license of \$25 per quarter, or \$5 per night, at the option of the manager. Every building used wholly or in part for the purposes of dramatic, operatic, or any public shows, representations, plays or performances, shall be regarded as a theater under this ordinance, whether free or not.

SEC. 11. Each circus and menagerie shall pay a license of \$300 per day. Every building, tent, arena and space where feats of horsemanship and acrobatic sports are exhibited, together with such animals as are usually exhibited in a menagerie, shall be regarded as a circus and menagerie under this ordinance; provided, however, that any circus, menagerie (not to include, however, a circus and menagerie combined) or exhibition charging an admission fee not exceeding fifty cents for each performance, may receive a license therefor at such rate and price as the Mayor and finance committee may, in their discretion, deem just and shall direct.

SEC. 12. For all other shows, concerts or entertainments, each day or night, \$5; provided, that nothing herein contained shall apply to church festivals, fairs or school exhibitions.

SEC. 13. For each shooting gallery, per quarter, \$10.

SEC. 14. For each bowling alley, \$10 per quarter.

SEC. 15. For pool selling, \$20, per quarter.

SEC. 16. Dealers in merchandise of any kind whose stock is shipped into the City to be sold on forced sale, as foreclosure, bankrupt stock, seizure sale or the like, shall pay a license of \$10 per day.

SEC. 17. That any person, firm, company or corporation, required by this ordinance to take out a license to engage in any business, trade

¹ Repealed by Ordinance No. 551.

or occupation for which a license is required, shall pay to the City Treasurer the sum, or sums, required by ordinance to be paid therefor, and thereupon, with the receipt of the Treasurer, which receipt shall set forth the kind of business for which license is desired, shall apply to the City Clerk who shall issue a license to the parties applying in accordance with the receipt of the Treasurer, upon the compliance by the applicant with the provisions of this ordinance relating to obtaining license for the business or occupation for which such license is desired; provided that all licenses heretofore issued for any business in this ordinance enumerated, and not yet expired, shall continue in force until the expiration thereof, and the person holding said license need not take out any license under this ordinance until the expiration of said license as aforesaid.

SEC. 18. That any license to be taken out under and by virtue of this ordinance, shall contain and set forth the purpose, trade, business or profession or occupation for which such license is granted, and the name and place of business of the person or persons taking out the same, the time for which said license is to run, and the date or time of granting said license.

SEC. 19. All licenses issued as quarterly licenses shall expire on the last day of each quarter, viz: The thirtieth day of April, the thirty-first day of July; the thirty-first day of October and the thirty-first day of January; all quarterly licenses shall be dated from the first day of the quarter in which the liability therefor accrued, and when taken out after the commencement of the quarter shall only be issued on payment of the full quarterly license.

SEC. 20. No license under this ordinance shall be transferable, and this shall be so expressed in each license issued.

SEC. 21. The City Clerk shall keep a record of all licenses issued, showing the names of all persons holding City licenses, together with the kind of business for which each license is granted, the amount paid, and the time when the same shall expire.

SEC. 22. All persons taking out a license under this ordinance, and having a fixed place of business, shall post said license in a conspicuous place, and all persons engaged in any business for which a license is required shall, upon demand by any City officer, submit such license for inspection.

SEC. 23. In prosecutions for violations of this ordinance, the payment of the license shall be no defense, unless the license has been taken out before the institution of the prosecution.

SEC. 24. The City Marshal is hereby made ex-officio license inspector, and it is hereby made the duty of said Marshal, and all police

officers of said City, to make complaint and prosecute all persons violating any of the provisions of this ordinance. The Marshal, at least once each quarter, and as much oftener as the enforcement of this ordinance shall require, shall visit all places of business where the persons engaged therein are not known to him to have a license, and shall demand from any person not known to him to have a license therefor, whom he may know to be engaged in peddling or hawking, or any business for which license is required hereby, and prosecute any persons failing to produce such license.

SEC. 25. Any person, firm or corporation having taken out a license for one quarter, shall have until and including the fifth day of the ensuing quarter in which to renew the same.

SEC. 26. Any person who shall exercise, carry on, or transact any business, trade or occupation for which a license is by this ordinance required, without having first taken out a license therefor, and any person who shall fail to comply with any of the provisions of this ordinance shall, upon conviction thereof, be fined in any sum not less than \$10 nor more than \$100, and the costs of prosecution. And this section shall apply to any person conducting any business, either in whole or in any part, as manager, clerk, agent, servant or employe of any person, firm, company or corporation.

SEC. 27. In case of parties conducting any business, trade or occupation, for which a license is required by this ordinance, without having first secured a license as herein provided, the act of exercising, carrying on, or transacting such business, trade or occupation, on each day shall be considered a separate and distinct offense at the option of the prosecution.

SEC. 28. That Ordinance No. 457, entitled "An ordinance to provide license for certain business, trades and occupations, and to prevent the same without such license," and Ordinance No. 466, amendatory thereto, and all ordinances, or parts of ordinances, in conflict with the provisions of this ordinance be, and the same are hereby repealed.

SEC. 29. This ordinance shall take effect and be in force from and after its passage and approval.

Passed the Council, November 1, 1893.

HENRY KELLING,
City Clerk.

Approved, November 1, 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 495.

AN ORDINANCE DESIGNATING THE TIME FOR THE COLLECTION OF
SWILL AND OTHER REFUSE BY SCAVANGERS IN THE
CITY OF WALLA WALLA, WASHINGTON.

The City of Walla Walla does Ordain as follows :

SECTION 1. That it shall be unlawful for any person or persons, with wagons, cart or other vehicle to drive on any street or alley of the City of Walla Walla, during the months of March, April, May, June, July August and September, between the hours of 6 a. m. and 6 p. m., and during the months of October, November, December, January, February, between the hours of ten (10) a. m. and three (3) p. m. of any day during said specified months to collect or have therein any slop, swill, or other refuse of this kind or nature.

SEC. 2. That any person or persons violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not less than \$5 or more than \$25 for each and every offense.

SEC. 3. That this ordinance shall not apply to the scavanger carts owned or operated by and under the direction of the health or street departments of the City of Walla Walla.

SEC. 4. All ordinances or parts of ordinances in conflict hereto be and the same are hereby repealed.

SEC. 5. This ordinance shall be in force and effect from and after its passage by the Council and approval by the Mayor.

Passed the Council, November 7, 1893.

HENRY KELLING,
City Clerk.

Approved, November 7, 1893.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 502.

AN ORDINANCE IN RELATION TO THE PUBLICATION OF CITY ORDINANCES
AND TO REPEAL ORDINANCE NO. 297, ON THE
SAME SUBJECT MATTER.

The City of Walla Walla does ordain as follows:

SECTION 1. That all ordinances of a general public character and

all ordinances imposing fines and providing penalties, and all ordinances levying and imposing taxes for any purpose, shall be published one time in the newspaper doing the City printing and advertising.

SEC. 2. That Ordinance No. 297, entitled "An ordinance in relation to the publishing of City ordinances," passed, October 3, 1887, and approved, October 5, 1887, which by its provisions requires that ordinances be published three times, be and the same is hereby repealed.

SEC. 3. That this ordinance shall be in force and take effect from and after its passage and approval.

Passed the Council, May 15, 1894.

HENRY KELLING,
City Clerk.

Approved, May 15, 1894.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 503.

AN ORDINANCE TO PREVENT CERTAIN ANIMALS FROM RUNNING AT
LARGE WITHIN THE CITY LIMITS, AND PROVIDING FOR
THE IMPOUNDING AND SALE THEREOF.

The City of Walla Walla does Ordain as follows :

SECTION 1. No horse, mare, gelding or colt, mule, jack, jenny, burro, bull, ox, steer, cow, calf, goat, sheep or hog, shall be allowed to run at large, or to be herded or picketed, in or upon, any of the streets of Walla Walla, and it is hereby declared unlawful for any of said animals to be at large in or upon any of the streets, alleys, parks or public places in said City.

SEC. 2. Any animal so found running at large in said City limits, shall be taken up and impounded in the City pound by the Poundmaster. Such animals shall be provided with proper care, food and water while so confined.

SEC. 3. If within twenty-four hours after the taking up and impounding of any animal under this ordinance, any person shall appear and claim the same, and shall pay the poundmaster the sum of fifty cents, he shall be entitled to the possession of the same.

1 As amended by Ordinance No. 544.

SEC. 4. If said animal shall not be taken from the pound within twenty-four hours, as provided in the preceding section the Poundmaster shall forthwith post three notices in the City of Walla Walla, one at the City pound, one in front of the postoffice, and one at the front door of the court house, describing such animal as taken up and stating that unless the owner or other person having an interest therein shall claim possession of the same and pay all costs and charges of keeping and advertising the same, together with the fees herein before provided for, he shall apply to the City Justice at his office in said City, at a certain day and hour to be named in said notice for an order of sale of said animal, for the expense of taking up and feeding said animal and the cost of proceeding. The time set in said notice for applying to said justice for an order of sale, shall not be less than five nor more than ten days from the date of posting said notices; provided, if any animal taken up and impounded shall have any plain brand or mark that is recorded in the office of the Auditor of Walla Walla County, State of Washington, the Poundmaster shall mail to the person in whose name the brand or mark is recorded at the postoffice in Walla Walla, a copy of the notice provided for in this section.

SEC. 5. At the time set in said notice for applying to the City Justice for an order of sale unless the owner or someone having an interest in said animal shall appear and pay the costs and expenses as herein provided, the Poundmaster shall file with the City Justice a verified petition for an order of sale, in which he shall state the place where and the time when said animal was found and a description of said animal, and that notices had been posted as provided for in the preceding section. At the same time any person claiming to be the owner, or entitled to the possession of said animal may appear and deny the allegation in said petition and the pleading shall be settled and the issue tried according to laws of the State of Washington, applicable to civil trials before Justices or the Peace.

SEC. 6. If at the time named in the notice provided for in Section 4 of this ordinance, no person appears to claim possession and pay fees, costs and charges of taking up and keeping such animal, or show cause why the same should not be sold to pay the same, or if after the appearance of the owner or other person claiming an interest in said animal, the City Justice shall upon due investigation and a hearing of the party claiming to be aggrieved, deem that said animal has run at large within the City limits of the City of Walla Walla, contrary to the provisions of this ordinance he shall thereupon adjudge that the said animal has so run at large, and order the Poundmaster to sell the same at public auction to the highest bidder for cash at the City pound.

SEC. 7. Upon an order of sale being entered by the City Justice

the Poundmaster shall advertise the sale of said animal by posting three notices, one at the City pound, one in front of the postoffice and one at the front door of the court house of said City, giving a description of said animal, and a statement that the same will be sold to the highest bidder for cash at the City pound at a time therein named, which shall not be less than five days nor more than ten days from the date of posting said notices. At the time set for said sale the Poundmaster shall attend and sell said animal for cash to the highest bidder and the title of said animal shall rest absolutely in the purchaser; provided, that if there shall not be more than one bid he may postpone the sale in the manner provided for postponement of sales by the laws of the State of Washington not more than five days. The Poundmaster shall make return of said sale within ten days thereafter to the City Justice, in which he shall specify the amount received at said sale and the amount of costs, and he shall pay the said sum to the City Treasurer, taking his receipt in duplicate, showing the amount of said sale and the amount of costs and expenses, and shall file the duplicate receipt with the City Clerk.

SEC. 8. Any person claiming to be the owner or entitled to the possession of said animal, may appear at any time before the sale, and by paying the Poundmaster the accrued costs, fees, and expense as herein provided, shall be entitled to the possession of said animal.

SEC. 9. The fees, costs and expenses to be charged and collected under this ordinance shall be as follows: To be paid to the Poundmaster the sum of \$1.00 for taking and impounding an animal mentioned in Section 1 of this ordinance. The sum of fifty cents for posting notices and applying for an order of sale, and fifty cents for posting notices of sale, to be paid to the City Justice in each case coming before him where no issue is joined, the sum of \$2.00, and where issue is joined the fee shall be the same fees as are now provided for Justices of the Peace for similar work under the laws of the State of Washington, and the sum of fifty cents for feeding for each day the animal was kept in the City pound. All said fees to be paid into the City Treasury for the use of said City.

SEC. 10. If within six months after the date of the sale, any person shall appear before the City Justice and make satisfactory that he was the owner of the animal sold, under this ordinance the justice shall issue him a certificate to the Mayor stating that fact, and the time said animal was sold under this ordinance, the total amount realized at said sale, and the total costs, fees and expense, and upon presentation of said certificate to the Mayor he shall cause a warrant to be issued to said owner, payable out of the general fund for the amount of said sale, less the fees, costs and expenses.

SEC. 11. That ordinance No. 347, entitled "An ordinance to pro-

ORDINANCES OF THE

hibit grazing animals from running at large within the City limits and all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and they are hereby repealed."

SEC. 12 This ordinance to take effect and be in force from and after its passage, approval and publication.

Passed the Council, May 15, 1894.

HENRY KELLING,
City Clerk

Approved, May 15, 1894.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 504.

AN ORDINANCE TO PROVIDE FOR THE BOARD OF CITY PRISONERS BY
THE CITY MARSHAL, AND FIXING HIS COMPENSATION
THEREFOR.

The City of Walla Walla does ordain as follows:

SECTION 1. That from and after the first day of June, 1894, the City Marshal shall board all City prisoners, and shall furnish to each person during his or her imprisonment, two (2) good, wholesome meals per day.

SEC. 2. The City Marshal shall receive the sum of 25 cents per meal for each meal actually furnished in the board of each prisoner, as provided in the foregoing section.

SEC. 3. That Ordinance No. 256, entitled "An ordinance to provide for the board of City prisoners by the City Marshal, and fixing his compensation therefor," be and the same is hereby repealed.

Passed the Council, May 15, 1894.

HENRY KELLING,
City Clerk.

Approved, May 15, 1894.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 511.

AN ORDINANCE TO FIX THE SALARY OF POLICEMEN.

The City of Walla Walla does Ordain as follows:

SECTION 1. That from and after the 31st day of August, 1894, the salary of each policeman of the City of Walla Walla shall be \$65 per month.

SEC. 2. That all ordinances or parts of ordinances in conflict with the provisions of this ordinance be and the same are hereby repealed.

Passed the Council, August 7, 1894.

HENRY KELLING,
City Clerk.

Approved, August 7, 1894.

JOHN L. ROBERTS.
Mayor.

ORDINANCE NO. 513.

AN ORDINANCE TO PROVIDE FOR THE PAYMENT OF CITY WARRANTS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That from and after the date of the passage of this ordinance all moneys, other than those collected by special assessment for special purposes, received by the City Treasurer for the City of Walla Walla shall be by him kept in one fund, and all warrants issued shall be paid by the said Treasurer out of said fund without regard to the purpose for which the same shall be issued; provided, however, that whenever an assessment shall be levied for a special purpose all moneys collected by the said Treasurer under the said special assessment, shall be kept separate from any other moneys in the hands of said Treasurer, and all warrants drawn upon such special fund shall be paid by the Treasurer out of said special fund.

SEC. 2. That all warrants of said City, except those drawn upon a special fund as provided in the preceding section, shall be paid in the order of their number and date of issue, and not otherwise; provided, however, that this section shall not apply to warrants drawn for the payment of the per centum due the State of Washington on liquor licenses, or to pay the interest due on the bonds of said City.

SEC. 3. That on the 15th day of September, 1894, the City Treas-

nrer shall cause to be published in the paper doing the City printing, a notice that the interest due upon all outstanding registered City warrants, which have been registered for more than one year, will be paid upon the presentation of said warrants to him, and upon the presentation of the said outstanding registered warrants, which have been registered for more than one year, within 30 days from date of said call the said Treasurer shall pay to the holders thereof the interest thereon due up to the date of said presentation, and shall endorse thereon the amount so paid and the date of such payment, and take a receipt therefor, said receipt to specify the amount paid for interest, the number of the warrant, the amount of the warrant and the date of issue, and said receipt shall be accepted by the Council from the said Treasurer in lieu of the amount cash paid for said interest. It shall be the duty of the Treasurer to return to the Council with his next monthly report all interest receipts, who shall cause the Clerk to attach the same to the stubs of their corresponding warrants. And thereafter on the said 15th day of September of each year the City Treasurer shall cause a like notice to be published in the paper doing the City printing, and shall upon the presentation of any City warrant which has been registered for more than one year previous to the date of said notice, pay the interest upon such warrant up to the date of such presentation and endorse such payment thereon, as hereinbefore provided; provided, however, that the provisions of this section shall not be held to apply to warrants drawn upon a special fund; and provided, further, that nothing in this ordinance shall be construed to give the right to the holder of any warrant to retain the same and demand interest thereon after the City Treasurer shall have called said warrant in for payment.

SEC. 4. That whenever there shall be in the hands of the City Treasurer, over and above all moneys collected by special assessment and money held for the payment of warrants which have been previously called in, a sum of money equal to five hundred dollars, the said City Treasurer shall at once, without notice from the Council, call in outstanding warrants and pay the same to the extent of the money on hand, as specified in this section.

SEC. 5. That Ordinance No. 510, entitled "An ordinance to provide for the payment of City warrants in the order of number and date of issue," and Ordinance No. 512, entitled "An ordinance to provide for the keeping of all moneys of the City of Walla Walla in one fund," and all other ordinances and parts of ordinances in conflict with the provisions of this ordinance be, and the same are hereby repealed.

SEC. 6. This ordinance shall take effect and be in force from and after its passage and approval.

Passed the Council September 4, 1894.

HENRY KELLING,

City Clerk.

Approved, September 4, 1894.

JOHN L. ROBERTS,

Mayor.

ORDINANCE NO. 521.

AN ORDINANCE TO PREVENT PERSONS UNDER THE AGE OF SIXTEEN YEARS FROM BEING IN CERTAIN PUBLIC PLACES, AND UPON THE STREETS OF THE CITY DURING THE NIGHT TIME AND PROVIDING A PENALTY.

The City of Walla Walla does Ordain as follows:

SECTION 1. That no person under the age of sixteen years shall loiter or remain in the vestibule of or about the entrance to any public reading room or library, or any place of worship or amusement, or in the public stairway to any building in said City, or on the streets or public grounds, or any unoccupied lots in said City, after the hour of seven o'clock, p. m., during the months of October, November, December, January, February and March, or after the hour of eight o'clock, p. m., during the months of April, May, June, July, August and September; provided, that the above prohibition shall not extend to any child or children who are in the company of a parent, or other adult having custody of him, her or them, nor to a child or children who may be sent for medicine, medical or other assistance, in case of accident or sickness, while on such services.

SEC. 2. That any person violating Section 1 of this ordinance shall be deemed guilty of a misdemeanor, and on conviction thereof, shall be fined in any sum not exceeding ten dollars and costs for the first offense, and not less than ten nor more than twenty dollars and costs for subsequent offenses.

SEC. 3. It is hereby made the duty of the City Marshal, his deputies, and the City policemen to arrest all persons violating Section 1 of this ordinance, and to enter complaint against them before a Justice of the Peace; provided, that such person or persons, so arrested may be released from custody upon the recognizance of two responsible taxpayers of this City; and provided further, that the parent, guardian or custodian of such person or persons may secure their permanent discharge

and the dismissal of all proceedings by the payment to the Marshal of the sum of one dollar before ten o'clock in the morning of the day following the arrest.

SEC. 4. The City Marshal shall include detailed reports of all such arrests in his regular monthly reports and shall account for all moneys collected in the same manner as is provided for the report of moneys collected in other instances.

SEC. 5. Ordinance No. 132 of the City of Walla Walla, entitled "An ordinance to prohibit children from running about the streets in the night" and all other ordinances in conflict herewith are hereby repealed.

Passed the Council February 5, 1895.

WM. KELLING,
Acting Clerk.

Approved, February 5, 1895.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 524,

AN ORDINANCE TO ESTABLISH FIRE LIMITS, TO PROHIBIT THE CONSTRUCTION, REMOVAL OR UNLAWFUL REPAIR OF CONBUSTIBLE BUILDINGS THEREIN; TO PREVENT THE SPREADING OF FIRES; TO DECLARE ALL BUILDINGS ERECTED OR MOVED AND ALL PROHIBITED REPAIRS MADE WITHIN SUCH LIMITS NUISANCES, AND TO PROVIDE FOR THE REMOVAL THEREOF. AND PUNISHMENT FOR VIOLATION OF THIS ORDINANCE

The City of Walla Walla does ordain as follows:

SECTION 1. That all that portion of the City of Walla Walla included within the following boundaries is hereby declared to constitute and be within the fire limits of said City, to-wit :

Commencing at a point where the center line of the alley between Main and Alder street intersects the center line of Sixth street, and running thence northeasterly along the center line of said alley to a point where the center line of said alley, if produced, would intersect the center line of Fourth street; thence along the center line of Fourth street to the center line of Alder street; thence running northeasterly along the

said center line of Alder street to the intersection of the said center line of Alder street with the produced center line of Colville street; thence along the produced center line of Colville street to an intersection of the produced center line of the alley of block one (1) of Cains addition to the City of Walla Walla; thence southwesterly along the said produced line of said alley to the center of the channel of Mill creek; thence westerly along the center of the channel of Mill creek to the center line of north Second street; thence northerly along the center line of north Second street to the center line of Rose street; thence southwesterly along the center line of Rose street to the center line of north Fourth street; thence southerly along the center line of north Fourth street to a point where the said center line of said north Fourth street intersects the produced center line of the alley between Main and Rose streets; thence southwesterly along said center line of said alley to the center line of north Sixth street; thence along the center line of said Sixth street to the place of beginning.

SEC. 2. No building or addition to any building shall be hereafter erected within said fire limits unless the outer walls thereof be at least one foot thick and made of brick and mortar, or iron and brick and mortar or stone or stone and mortar.

SEC. 3. No wooden building now existing within said fire limits shall be repaired by substituting new timbers for its sills or foundations, or enlarged or increased in size or height, and no such wooden building shall be altered or changed in any manner unless permission therefor be first had from the fire and water committee.

SEC. 4. No wooden building or buildings the outer walls of which are constituted of combustible materials shall be moved into said fire limits.

SEC. 5. No wooden building or buildings now within such fire limits shall be moved from one part of such limits to another unless permission therefor be first had from the City Council.

SEC. 6. Every building or addition to any building erected within or moved within the said fire limits contrary to the provisions of this ordinance is hereby declared to be and is to be taken and deemed a nuisance and liable to be abated as such, and unless the same is removed within ten (10) days after notice from the City Marshal to the person owning the same or causing the same to be erected within or moved within such limits requiring the same to be removed or abated, such officer, together with such person or persons as he may summon to his assistance or as the City Council may direct to assist him, shall tear down and remove each building and addition, and the cost and expenses of such proceeding and removal shall be assessed to and collected

from the owner of such building or addition or from the owner of the lot of land upon which the same is so unlawfully erected or moved or from both.

SEC. 7. Every person who shall erect, move, remove, alter, repair or maintain any building or addition to any building contrary to the provisions of this ordinance, shall be deemed guilty of a misdemeanor and of creating a nuisance, and shall be guilty of a misdemeanor each day the said nuisance is continued, and upon conviction thereof shall be fined not less than ten nor more than one hundred dollars, and may be prosecuted from day to day for each day's violation of the provisions of this ordinance, and upon each conviction shall be fined as aforesaid.

SEC. 8. That nothing in this ordinance shall be held to prevent the construction of one building, and no more for every lot of thirty feet front, the dimensions of which shall not be more than ten by sixteen feet and one story in height, the walls of which shall be made of corrugated iron not lighter than No. 20, or brick wall not less than 8 inches in thickness. Such buildings so constructed to be used as woodsheds or watter closets.

SEC. 9. That a majority of the Committee on Fire and Water may, upon application, grant a permit for the erection of a wooden building within said fire limits for a water closet or a woodshed, or a permit for the erection of a building as described in the last preceding section of larger dimensions than therein specified.

SEC. 10. All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SEC. 11. This ordinance shall take effect and be in force from and after its passage, approval and publication.

Passed the Council, April 2, 1895.

HENRY KELLING,

City Clerk.

Approved, April 2, 1895.

JACOB BETZ,

Acting Mayor.

ORDINANCE NO. 527.

AN ORDINANCE GRANTING A RIGHT OF WAY TO THE OREGON RAILWAY & NAVIGATION COMPANY AND ITS SUCCESSORS IN INTEREST OVER AND ALONG ROSE STREET, WITH THE RIGHT TO CONSTRUCT, IMPROVE, REPAIR, KEEP OPERATE AND MAINTAIN A RAILROAD AND TELEGRAPH LINE THEREON.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the right to lay down, grade, construct, improve, repair, keep, operate and maintain a railroad and telegraph line over and along Rose street from Tenth street in an easterly direction to the western line of Sixth street be and the same is hereby authorized and confirmed unto the Oregon Railway & Navigation Company and its successors in interest.

SEC. 2 That said railway company shall make and at all times keep in good condition and repair crossings and walks over and across said railroad track in all streets crossing said track whenever such streets shall be ordered improved or opened by the authorities of said City.

SEC. 3. This ordinance shall take effect from after its passage and approval.

Passed the Common Council April 4, 1895.

WILL KELLING,
Acting City Clerk.

Approved, April 4, 1895

JOHN L. ROBERTS.
Mayor.

ORDINANCE NO. 529.

AN ORDINANCE GRANTING TO H. P. ISAACS A RIGHT TO GRADE, CONSTRUCT AND MAINTAIN A RAILROAD TRACK IN THE CITY OF WALLA WALLA, IN THAT CERTAIN STREET KNOWN AS THE "MILL CREEK COUNTY ROAD," BEING AN EXTENSION OF EAST MAIN STREET, IN THE SAID CITY OF WALLA WALLA.

The City of Walla Walla does Ordain as follows:

SECTION 1. That H. P. Isaacs, his heirs and assigns, is hereby granted the right and privilege to grade, construct and maintain a rail-

road track in, over and across the extension of East Main street, in the City of Walla Walla, known as the "Mill Creek county road," as follows: Beginning at a point on the Washington & Columbia River railroad, near the intersection of Baker street and the said "Mill Creek county road" and running thence northeasterly to the north side of the said "Mill Creek county road," thence in an easterly direction along the north side of the said street eight hundred and fifty (850) feet; thence southeasterly to the premises of H. P. Isaacs.

SEC. 2. That the said railroad track shall, except when in crossing the said street, be graded, constructed and maintained as near the sides of the said streets as practicable.

SEC. 3. That the said H. P. Isaacs shall at all times, and at his own expense, keep in good and perfect repair all crossings, and shall at all times, so long as said track shall remain in said street, hold said City of Walla Walla free from any and all damages and casualties arising therefrom, and shall not run cars upon said track at a speed greater than four miles per hour.

SEC. 4. This ordinance shall take effect and be in force from and after its passage and approval.

Passed the Council, April 23, 1895.

WM. KELLING,
Acting Clerk.

Approved, April 23, 1895.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 531.

AN ORDINANCE TO PROHIBIT FAST DRIVING IN ALLEYS.

The City of Walla Walla does Ordain as follows:

SECTION 1. That any one who shall ride or drive any buggy, carriage, wagon or other vehicle in or through any of the alleys of said City at a speed greater than 3 miles per hour shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding twenty dollars for each offense.

SEC. 2. This ordinance to take effect and be in force from and after its passage and approval.

Passed the Council, June 20, 1895.

WM. KELLING,
Acting Clerk,

Approved, June 20, 1895.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 532.

AN ORDINANCE TO PREVENT INTERFERENCE WITH THE FIRE APPARATUS OF THE CITY.

• *The City of Walla Walla does Ordain as follows :*

SECTION 1. That it shall be unlawful for any one, other than an active fireman of said City, to get upon or ride upon any of the engines, carts, trucks, wagons or other apparatus of the Walla Walla Fire Department, and any one violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof, shall be fined in any sum not exceeding twenty dollars for each offense.

SEC. 2. This ordinance to take effect and be in force from and after its passage, approval and publication.

Passed the Council, June 20, 1895.

WM. KELLING,
Acting Clerk,

Approved, June 20, 1895.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 536.

AN ORDINANCE TO FIX THE SALARIES OF CITY OFFICIALS.

The City of Walla Walla does Ordain as follows :

SECTION 1. That from and after the 31st day of July, 1895, the salary and pay of City officials shall be as follows :

Marshal, \$90 per month.

Clerk, \$75, per month.

Attorney, \$40 per month.
Treasurer, \$35 per month.
City Justice, \$25 per month.
Street Commissioner, \$55 per month.
Health Officer, \$25 per month.
Sexton, \$55 per month.
Poundmaster, \$55 per month.

SEC. 2. The City Surveyor shall receive the sum of \$5 for each day he is actually engaged in City work, and he shall be allowed \$2 per day for each assistant actually employed by him.

SEC. 3. This ordinance to be in force from and after its passage and approval.

Passed the Council, July 2, 1895.

WM. KELLING,
Acting Clerk.

Approved, July 2, 1895.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 537.

AN ORDINANCE TO PROVIDE FOR THE APPOINTMENT OF A POUNDMASTER, FIXING HIS QUALIFICATIONS AND PRESCRIBING HIS DUTIES.

Whereas there is no existing ordinance adequately providing for the appointment and qualifications of a poundmaster,

The City of Walla Walla does ordain as follows:

SECTION 1. That there be appointed by the City Council, on the first regular meeting of August of each year or as soon thereafter as practicable, a poundmaster, whose duties shall be to carry into effect and perform the work prescribed by the ordinances of said city relating to the prohibition of domestic animals from running at large within said city, and who shall perform such other duties as may be required by said Council.

SEC. 2. The said poundmaster shall, at the time of his appointment, be a citizen of the city of Walla Walla, and shall give a bond in the sum of one thousand dollars conditioned for the faithful performance of his duties, and shall receive as compensation such sum as shall be by ordinance prescribed.

SEC. 3. This ordinance shall take effect and be in force from and after its passage and approval.

Passed the Council September 3, 1895.

ALEX MACKAY,
City Clerk.

Approved, September 3, 1895.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 543.

AN ORDINANCE TO PROVIDE FOR LIGHTING THE STREETS OF THE CITY
BY ELECTRICITY AND AWARDED THE CONTRACT THERE-
FOR TO "THE WALLA WALLA GAS AND
ELECTRIC COMPANY."

The City of Walla Walla does ordain as follows:

SECTION 1. That the city of Walla Walla hereby contracts and agrees with "The Walla Walla Gas and Electric Company" (a corporation duly incorporated), and said corporation hereby contracts and agrees with said city in manner and form as follows:

The company agrees to furnish and put in place fifty-three electric lights, more or less, but not less than forty-five, of 1200 minimum candle power, at such places on the public streets as they are now placed or may hereafter be designated by the Council, and to light and keep the said lights burning from thirty minutes after sunset to thirty minutes before sunrise of each night in the year, save and except only the night before, the night of, and the night after full moon in each month, and provided always that if on these excepted nights it shall for any reason be dark the said lights shall also be lighted on said nights, and to furnish such additional lights from time to time as the city may require.

The city of Walla Walla hereby agrees in consideration of the foregoing to pay the said company monthly ten (\$10) dollars for each light for fifty lights or less, and for any number more than fifty to pay monthly eight (\$8) dollars for each light of such excess of fifty lights, which payments shall be made in script of the city duly issued under order of the City Council therefor.

SEC. 2. The contract shall be in force for the period of three years from and after the 1st day of November, 1895.

SEC. 3 The Mayor and Clerk are hereby directed to enter into a formal written contract with said company in accordance with the terms of this ordinance.

Passed the Council October 29, 1895.

ALEX MACKAY,
City Clerk.

Approved, October 29, 1895.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 545.

AN ORDINANCE TO AUTHORIZE THE COMPILATION AND PUBLICATION
OF GENERAL LAWS AND THE ORDINANCES OF THE CITY.

The City of Walla Walla does Ordain as follows:

SECTION 1. That the ordinances of said City now in force, together with the charter of said City and the general laws of the State of Washington applicable to municipal corporations of the nature of said City, be compiled by the City Clerk and City Attorney, and when so compiled that the same be published in one book.

Passed the Council, January 7, 1896.

ALEX MACKAY,
City Clerk.

Approved, January 7, 1896.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 546.

AN ORDINANCE TO AMEND SECTION SIX OF ORDINANCE NO. 219.

The City of Walla Walla does ordain as follows:

SECTION 1. That whenever any person or persons shall intend to sell lots according to municipal sub-divisions, or shall dedicate any street for public use, they shall first make a survey and plat thereof and submit them to the inspection of the City Surveyor. All the angles on the outer boundary of the addition sub-divided shall be marked with

permanent monuments. The center line of every street shall be marked by at least two monuments, and a monument shall be placed at each angle in any and all streets. All monuments must be of stone or iron large enough to insure permanence, and the exact center must be plainly marked. All additions hereafter laid out shall conform to the principal addition adjoining thereto. The plat shall show the exact distance between monuments on the same line, the width of all streets and alleys, and the size of all regular and fractional lots or blocks. The City Surveyor shall examine the survey and plat, and report to the City Council whether or not they accord with this ordinance, whereupon the Council shall either adopt or reject said plat. If the Council shall adopt the plat, it shall be the duty of the City Surveyor to mark thereon the order approving the same, and cause a copy of the plat approved to be recorded in the book of plats of Walla Walla County, State of Washington, and in the official plat book of the City of Walla Walla. If it be rejected, he shall return it to the person or persons who furnished it to him and inform him or them of the defects in the same.

SEC. 2. This ordinance to be in force and take effect from and after its passage and approval.

Passed the Council, January 21, 1896.

ALEX MACKAY,
City Clerk,

Approved, January 21, 1896.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 547.

AN ORDINANCE CONCERNING DOGS.

SECTION 1. That it shall be unlawful for any person owning or claiming a dog or bitch to permit or allow the same to run at large, or to run loose within the City of Walla Walla, without having first obtained a license therefor and procuring the tag hereinafter mentioned, and keeping the same fastened to the collar of such animal.

SEC. 2. That the license for keeping any such dog running loose or at large, as aforesaid, shall be for each dog one dollar per year, and for each bitch two dollars per year, and upon the payment of such sum to the City Clerk, he shall issue such license and a suitable tag, at his own expense, to the person paying the same, which shall be fastened

by the owner to the neck of the animal, and the Clerk shall retain fifty cents for each animal licensed and pay the residue to the City Treasurer.

SEC. 3. Any person suffering or permitting his dog or bitch to run at large within the City of Walla Walla without first obtaining a license or affixing a tag as above provided, shall be fined in any sum not to exceed five dollars for each offense.

SEC. 4. It shall be the duty of the City Poundmaster to seize upon every dog or bitch found running loose or at large within the City of Walla Walla without the tag aforesaid being affixed, and if the owner can be found, to restore it to such owner, and unless such owner shall pay him fifty cents for returning such animal and immediately procure a license and tag, make complaint against such owner, and if no owner shall be found, then such officer shall post a notice describing the animal at the door of the City Justice, and impound the animal for three days after such notice is posted, and, if at the end of said time no owner claims such animal, the same shall be forfeited, and if the animal can be sold for sufficient to pay the officer fifty cents for catching said animal and ten cents per day for keeping the same, and twenty-five cents for notice, such officer shall sell the same for such price and additional sum as may be offered; if such animal cannot be sold, then such officer shall destroy such animal on the fifth day after such notice is posted as aforesaid; provided, that such officer shall retain his fees and pay the surplus, if any, to the City Treasurer.

SEC. 5. The officer catching and disposing of such animal, as aforesaid, shall be entitled to fifty centy cents for catching, twenty-five cents for posting said notice, and ten cents per day for keeping said animal, and in all proceedings against the owners as aforesaid, the same shall be taxed as costs, and with other costs be added to the penalty.

SEC. 6. All ordinances and parts of ordinances previously passed upon the same subject matter of this ordinance are hereby repealed, and this ordinance shall be in force from and after its passage, approval and publication.

Passed the Council, February 11, 1896.

ALEX MACKAY,
City Clerk.

Approved, February 11, 1896.

JOHN L. ROBERTS,
Mayor.

ORDINANCE NO. 550.

AN ORDINANCE IN RELATION TO ASSESSMENT AND TAXATION, AND PROVIDING FOR THE ASSESSMENT OF PROPERTY, THE EQUALIZATION OF ASSESSMENTS AND THE LEVY AND COLLECTION OF TAXES.

The City of Walla Walla does Ordain as follows:

SECTION 1. The City Assessor shall commence assessing on the first Monday in April of each year, and assess all property subject to taxation in the manner and as provided by the general statutes of the State in relation thereto, and shall complete the assessment for that year and file his detail lists, assessment roll and return, with the City Clerk on or before the first day of July of each year.

SEC. 2. The Council shall sit as a board of equalization for correction of the assessment roll and equalization of assessments at the first regular meeting in the month of July of each year, and continue in session from day to day until such business is completed.

SEC. 3. The City Clerk shall give ten days' notice by advertisement in the paper doing the city printing of the meeting provided for by the foregoing section.

SEC. 4. The regular tax levy for each year shall be made by the City Council at their second regular meeting in July of each year, and as soon as may be thereafter the City Assessor shall extend the taxes so levied upon the assessment roll and place the same in the hands of the City Treasurer for collection, and such Treasurer shall proceed to collect and receive such taxes until the last day of August of each year at six o'clock, P. M., at which time all taxes not collected shall become delinquent and be turned over to and placed in the hands of the City Marshal for collection, as tax collector.

SEC. 5. The City Treasurer shall so soon as he receives the assessment roll, as provided by Section 4 of this ordinance, publish notice in two papers of different politics, if practicable, that taxes will be received by him up to the time the same will become delinquent, specifying such time.

SEC. 6. All delinquent taxes shall bear interest at the rate of 8 per cent. per annum and then shall be added to delinquent City taxes the same penalties that are added to delinquent County and State taxes, under the statutes of the State.

SEC. 7. The forms of warrants for the collection of City taxes shall be the same as are used for the collection of County and State taxes, substituting for "Auditor" "Clerk;" and for "Sheriff," "Marshal;" and

such warrants for the collection of City taxes shall have the same force and effect as like warrants under the laws for the collection of County and State taxes.

SEC. 8. On the first Monday of September of the year following that in which the delinquent taxes for such year shall have been placed in his hands for collection, the City Marshal shall at the hour of 10 o'clock A. M. commence the sale at public auction, in front of the Council chamber, of all real estate upon which taxes have been levied and not paid.

SEC. 9. The Marshal shall give notice of the sale of real property for taxes by publishing for one week in the daily paper and one insertion in the weekly the delinquent list, with description of property, name of person to whom assessed, total amounts of taxes, including penalty, interest and costs, to date of sale, in the newspaper doing the City printing and in the weekly and daily editions of such newspaper, which notice shall correspond in form as near as may be with the notice required by law to be given by a Sheriff upon a sale of real estate for delinquent County and State taxes.

SEC. 10. Special taxes may be levied by the Council by ordinance at any time, and shall become delinquent at such time as may be specified in such ordinance, and sale of real estate for delinquent taxes shall take place at the same time as the next sale for delinquent general taxes after such special taxes become delinquent, and shall be conducted in the same manner and upon the same notice as sales for general taxes.

SEC. 11. All proceedings subsequent to the sale of real property for delinquent taxes shall correspond as near as practicable to the proceedings to be had and taken under the general State laws for the collection of delinquent County and State taxes, and when the word "County" occurs in such statutes the same shall be read "City," and when the word "Auditor" occurs the same shall be read "City Clerk," and where the word "Sheriff" occurs the same shall be read "Marshal."

SEC. 12. The Marshal shall settle with the City Clerk on the first Monday in each month of the year, and file with the City Clerk all receipts for taxes by him collected and paid over to the City Treasurer.

SEC. 13. All ordinances in conflict herewith are hereby repealed, and this ordinance shall be in force from and after its passage, approval and publication.

Passed the Council March 3, 1896.

ALEX. MACKAY,
City Clerk.

Approved, March 3, 1896.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 551.

AN ORDINANCE TO REPEAL SECTION 7 OF ORDINANCE NO. 494 AND
AMEND SECTION 3 OF SAID ORDINANCE.

The City of Walla Walla does Ordain as follows :

SECTION 1. That Section 7 of Ordinance No. 494 which reads as follows: "Section 7. For each one-horse dray, truck, cart, wagon, express wagon, or other article for carrying goods, wares, lumber, coal, wood or other substance, for hire, either by the day, month, trip or job, within the City limits, \$3 per quarter, and \$2 additional per quarter for each additional horse; provided, that vehicles of any kind used in conveying lumber, stone, earth, gravel, sand or other substance, for building purposes, or engaged in excavating or street improvement or labor, shall be exempt from such license. Each vehicle so licensed shall display a number tag to be furnished by the City and paid by the licensee at the rate of \$1 per tag," be and the same is hereby repealed.

SEC. 2. That Section 3 of said Ordinance No. 494 be amended to read as follows: Section 3. Auctioneers shall pay a quarterly license of \$10.

SEC. 3. This ordinance to take effect and be in force from and after its passage, approval and publication.

Passed the Council, March 3, 1896.

ALEX MACKAY,
City Clerk.

Approved, March 3, 1896.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 557.

AN ORDINANCE TO AMEND SECTION 1 OF ORDINANCE NO. 10, AS THE
SAME HAS BEEN AMENDED BY ORDINANCE NO. 384.

The City of Walla Walla does Ordain as follows :

SECTION 1. That Section 1 of Ordinance No. 10, as amended by Ordinance No. 384, be and the same is hereby amended to read as fol-

lows: Section 1. The City Treasurer, before entering upon the duties connected with his office, shall give a bond to the City of Walla Walla in the penal sum of twenty-five thousand dollars, with at least two sureties, which bond shall be approved by the Board of Common Council, conditioned for the faithful discharge of his duties according to law. He shall also take and subscribe an oath that he will support the Constitution of the United States, and of this State, and that he will faithfully perform the duties of City Treasurer during his continuance in office.

SEC. 2. This ordinance to take effect and be in force from and after its passage and approval.

Passed the Council, March 3, 1896.

ALEX MACKAY,
City Clerk.

Approved, March 3, 1896.

JACOB BETZ,
Acting Mayor.

ORDINANCE NO. 558.

AN ORDINANCE TO AMEND ORDINANCE NO. 57.

The City of Walla Walla does Ordain as follows:

SECTION 1. That Section 2 of Ordinance 57 be and the same is hereby amended to read as follows: Section 2. The City Marshal shall be the Chief of Police and all general and special policemen shall in all cases be under his command, and any failure on the part of any policeman to obey the lawful order of the Marshal shall be cause for removal by and with the consent of the Council

SEC. 2. This ordinance to be in force and take effect from and after its passage and approval.

Passed the Council March 3, 1896.

ALEX MACKAY,
City Clerk.

Approved, March 3, 1896.

JACOB BETZ,
Acting Mayor.

APPENDIX.

It being deemed unnecessary to print the following ordinances in full, a summary of the title and date of passage of the several ordinances is here given.

No. 3. An ordinance in relation to licenses. August 15, 1878.

No. 6. An ordinance defining the duties of City Marshal. August 16, 1878.

No. 9. An ordinance to prevent animals from running at large and to provide for the penalty therefor. August 19, 1878

No. 12. An ordinance to regulate the taxing, impounding, disposal of and destruction of dogs. August 21, 1878.

No. 13. An ordinance to prevent hogs running at large in the City of Walla Walla and forfeiture thereof. (See Ordinance 503.) August 21, 1878.

No. 21. An ordinance to widen and relocate the streets in Langford's Addition. September 24, 1878.

No. 23. An ordinance to divide the city of Walla Walla into wards and appointment of Councilmen. (See Ordinance 185.) October 22, 1878.

No. 24. An ordinance providing for a special election to levy a tax for the purchase of fire apparatus. October 22, 1878.

No. 25. An ordinance fixing the fees of Justice of the Peace, City Marshal and policemen and witnesses. October 22, 1878.

No. 28. An ordinance to prevent and punish the smokers of opium and the keeping of any house or den for that purpose. (See ordinance No. 150.) November 19, 1878.

No. 29. An ordinance to provide for a special tax for the purchase of hose and other fire apparatus. December 3, 1878.

No. 30. An ordinance in relation to license. January 31, 1879.

No. 31. An ordinance to establish the grade of Main street from the bridge to Idaho street and provide for the grading thereof. February 4, 1879.

No. 32. An ordinance to amend Ordinance No. 26. March 4, 1879.

No. 33. An ordinance concerning public health. March 12, 1879.

No. 34. An ordinance to amend Section 12 of Ordinance No. 17. March 19, 1879.

No. 35. An ordinance approving the surveys and providing for the grading of certain streets and alleys. March 26, 1879.

No. 37. An ordinance to levy a tax for the improvement of Main street from the bridge to Idaho street. March 26, 1879.

No. 38. An ordinance to amend Section 4 of Ordinance No. 3. April 2, 1879.

No. 39. An ordinance approving of the survey and establishing the grade of First, Third, Fourth and Fifth streets. April 16, 1879.

No. 40. An ordinance to levy a tax for the improvement of Birch street from Catherine to Chase street. April 18, 1879.

No. 41. An ordinance to levy a tax for the improvement of the alley running through blocks No. 17, 18, 19 and M, between Poplar and Birch streets. April 18, 1879.

No. 42. An ordinance to levy a tax for the improvement of the alley running through blocks No. 14, 15, 16, K and L, between Alder and Poplar streets. April 18, 1879.

No. 43. An ordinance to levy a tax for the improvement of the alley running through blocks No. 10, 11, 12 and 13, between Main and Alder streets. April 18, 1879.

No. 44. An ordinance to levy a tax for the improvement of the alley running through blocks No. 2, 3 and 4, between Main and Rose streets. April 18, 1879.

No. 45. An ordinance fixing the time for levying the general tax. April 22, 1879.

No. 46. An ordinance to authorize the collection of delinquent road poll tax. April 22, 1879.

No. 47. An ordinance to levy a road poll tax for 1879. May 7, 1879.

No. 48. An ordinance to approve the assessment of property and levy tax for grading First street from Main to Dr. Newell street May 16, 1879.

No. 49. An ordinance to levy a tax for the year 1879. May 30, 1879.

No. 51. An ordinance to provide for the grading of Second street from Sumach street to Cherry street. June 3, 1879.

No. 52. An ordinance to license and regulate the selling of pools. June 24, 1879.

No. 53. An ordinance to establish a fire department for the City of Walla Walla. September 3, 1879.

No. 54. An ordinance to amend Sections 2, 13 and 15, of Ordinance No. 53. September 24, 1879.

No. 58. An ordinance providing for the due observance of Sunday. November 4, 1879.

No. 59. An ordinance relating to the grade of sidewalks on Second street from Birch to Main. November 4, 1879.

No. 60. An ordinance for the better regulating bar-rooms, beer shops and saloons. November 4, 1879.

No. 61. An ordinance relating to grade of sidewalks on Second street from Mill creek to alley between Cherry and Oak streets. November 4, 1879.

No. 62. An ordinance to levy a tax for the improvement of Third street from Rose to Birch streets. December 16, 1879.

No. 63. An ordinance to levy a tax for the improvement of Fourth street from the bridge on Mill creek to Birch street. December 16, 1879.

No. 64. An ordinance to levy a tax for the improvement of Fifth street from the bridge on Mill creek to Chase street. December 16, 1879.

No. 65. An ordinance to vacate the alley running through block 7, Cain's addition, between Colville and Spokane streets. December 16, 1879.

No. 66. An ordinance to establish and organize the fire department. December 20, 1879.

No. 67. An ordinance granting the United States the right to lay water pipes in Singleton avenue and across Second street. January 20, 1880.

No. 68. An ordinance in relation to licenses. January 22, 1880.

No. 69. An ordinance authorizing and empowering M. G. Elmore and his associates to lay gas mains and pipes in streets and alleys of the City. March 2, 1880.

No. 70. An ordinance granting to the City Water Company the right to lay water pipes in streets and alleys of City. April 6, 1880.

No. 71. An ordinance to levy a road poll tax for the year 1880. April 6, 1880.

No. 73. An ordinance to levy a tax for the year 1880. May 21, 1880.

No. 74. An ordinance to amend Ordinance No. 45. June 1, 1880.

No. 75. An ordinance in relation to opium smoking. June 15, 1880.

No. 76. An ordinance to amend Section 5 of Ordinance No. 68. July 20, 1880.

No. 77. An ordinance to amend Section 16 of Ordinance No. 68. July 20, 1880.

No. 78. An ordinance in relation to City Sexton and his duties. September 21, 1880.

No. 79. An ordinance relating to the sale of lots in the City cemetery. October 8, 1880.

No. 80. An ordinance to vacate certain streets and alleys in Langford's addition. October 19, 1880.

No. 83. An ordinance to provide for the opening of Palouse street from Main street to Baxter street. December 7, 1880.

No. 84. An ordinance to change the names of certain streets. December 7, 1880.

No. 86. An ordinance to authorize a conveyance to Frederick Stine. December 21, 1880.

No. 87. An ordinance authorizing and empowering Chas. M. Patterson and his associates to lay gas mains and pipes in the streets. December 21, 1880.

No. 89. An ordinance providing for the improvement of Main street from the bridge over Mill creek to Ninth street. January 5, 1881.

No. 90. An ordinance to prevent infection from smallpox. January 5, 1881.

No. 92. An ordinance providing for the placing of guide boards on the public streets. January 18, 1881.

No. 96. An ordinance to appropriate \$1200 to D. S. Baker. March 15, 1881.

No. 99. An ordinance providing for the improvement of East Rose street. March 22, 1881.

No. 100. An ordinance providing for the improvement of North Third street from Rose street to Elm street. March 22, 1881.

No. 101. An ordinance to provide for construction of a sidewalk on Main street between Seventh and Ninth streets. March 22, 1881.

No. 103. An ordinance to vacate the alley in block 4, Barrons addition. May 17, 1881.

No. 104. An ordinance to appropriate money to pay the expense of the last sickness and burial of Willard Bartlett deceased. June 21, 1881.

No. 105. An ordinance to apportion the taxes and assessment of property on Main street. June 23, 1881.

No. 106. An ordinance to apportion the taxes and assessment of property on East Rose street. June 23, 1881.

No. 107. An ordinance to apportion the taxes and assessment of property on North Third street. June 23, 1881.

No. 108. An ordinance to apportion the taxes and assessment of certain property on Main street. June 23, 1881.

No. 109. An ordinance to provide for the erection and maintenance of water works for the purpose of furnishing the City of Walla Walla with a sufficient supply of water. June 23, 1881.

No. 110. An ordinance appropriating the fund to be raised by street assessment on East Rose street to pay for the improvements thereon. July 19, 1881.

No. 111. An ordinance appropriating money to pay for the improvement of Main street. July 19, 1881.

No. 112. An ordinance to appropriate a certain sum to pay for water pipe. July 19, 1881.

No. 113. An ordinance concerning taxes for improvements on North Third street. August 2, 1881.

No. 114. An ordinance concerning payment of taxes for improvement of Main and East Main street. August 2, 1881.

No. 115. An ordinance concerning payment of taxes for improvement of East Rose street. August 2, 1881.

No. 116. An ordinance concerning payment of taxes for improvement of Main street. August 2, 1881.

No. 117. An ordinance appropriates money to pay for the improvement on North Third street. August 2, 1881.

No. 118. An ordinance appropriates money to pay for the improvements on Main and East Main street. August 2, 1881.

No. 120. An ordinance to punish the employment of women in drinking saloons. September 6, 1881.

No. 122. An ordinance to amend Ordinance No. 87. September 6, 1881.

No. 123. An ordinance to provide for the correction and revision of assessment. November 1, 1881.

No. 124. An ordinance to establish fire limits and prevent the spreading of fires. December 20, 1881.

No. 125. An ordinance to provide for the establishment of grades on North Fourth street from Sumach to Elm street. January 3, 1882.

No. 126. An ordinance to establish the grade of Second street from Birch south to the City boundary. January 3, 1882.

No. 127. An ordinance providing for the improvement of North Fourth and Elm streets. January 3, 1882.

No. 130. An ordinance to amend Ordinance No. 124. February 21, 1882.

No. 131. An ordinance changing the grade of Second street from Birch south to the City limits. March 7, 1882.

No. 132. An ordinance to prohibit children from running about the streets in the night. March 7, 1882.

No. 134. An ordinance to apportion the taxes and assessment of property on North Fourth and Elm streets for street improvements. March 21, 1882.

No. 136. An ordinance to establish grades on North Fifth street and on Pine street. April 4, 1882.

No. 137. An ordinance to change the grade of Second street. April 4, 1882.

No. 138. An ordinance providing for the improvement of Second street. April 18, 1882.

No. 143. An ordinance authorizing the conveyance of a certain piece of land to H. D. Chapman. July 11, 1882.

No. 144. An ordinance providing for the improvement of North Fifth street and appointing an assessor therefor. July 18, 1882.

No. 145. An ordinance concerning the improvement of Second street. July 18, 1882.

No. 146. An ordinance to appropriate money to pay for the improvement of Second street. July 18, 1882.

No. 148. An ordinance to improve North Fifth from the bridge over Mill creek to the center of Pine street. August 15, 1882.

No. 149. An ordinance to protect the sidewalk from Walla Walla City to the cemetery. October 3, 1882.

No. 151. An ordinance to apportion and levy a tax for improvement of North Fifth street. October 19, 1882.

No. 152. An ordinance to levy and collect a special tax for prevention of accident by fire. November 21, 1882.

No. 153. An ordinance to establish the salaries of officers. November 21, 1882.

No. 155. An ordinance to protect the public health. December 5, 1882.

No. 156. An ordinance to levy a tax for street purposes. December 19, 1882.

No. 158. An ordinance to protect the sidewalks from Walla Walla City to the cemetery and punish trespass thereon. December 19, 1882.

No. 159. An ordinance to provide for the opening of certain streets in Roberts addition to the City of Walla Walla. January 2, 1883.

No. 160. An ordinance to provide a license for certain business, trade and occupations. January 2, 1883.

No. 162. An ordinance to provide for the improvement of Eighth and Alder streets. March 6, 1883.

No. 163. An ordinance authorizing the conveyance of a certain piece of land to George Dacres. March 20, 1883.

No. 164. An ordinance to license and regulate drinking saloons and to repeal certain portions of Ordinance No. 160. April 2, 1883.

No. 165. An ordinance to amend Sections 2 and 11 of Ordinance No. 2. May 1, 1883.

No. 166. An ordinance to regulate and tax retail commercial travelers. May 15, 1883.

No. 167. An ordinance in relation to City Sexton and his duties. May 17, 1883.

No. 168. An ordinance authorizing the conveyance of a certain piece of land to J. E. Bingham. June 19, 1883.

No. 169. An ordinance to apportion and levy a tax for improvement of East Cherry street. July 18, 1883.

No. 170. An ordinance to license and regulate drinking saloons and to repeal all ordinances and parts of ordinances on the same subject. August 10, 1883.

No. 171. An ordinance appropriating money for street purposes. September 4, 1883.

No. 172. An ordinance appropriating money to pay for construction of Main street bridge. September 4, 1883.

No. 173. An ordinance to appropriate money to pay for the improvement of East Cherry street. September 7, 1883.

No. 174. An ordinance to appropriate money for the improvement of Catherine street. September 7, 1883.

No. 175. An ordinance to protect the public health and to repeal all prior ordinances on the same subject. September 11, 1883.

No. 176. An ordinance to authorize the execution of a quit-claim deed from the City of Walla Walla to J. Louga. September 19, 1883.

No. 177. An ordinance to authorize the execution of a quit-claim deed from the City of Walla Walla to G. A. Evans and Bathenia Evans. September 19, 1883.

No. 178. An ordinance to levy an assessment for the improvement of Catherine street. September 19, 1883.

No. 179. An ordinance to provide for the salary of the Marshal, his deputies and the Street Commissioner. December 18, 1883.

No. 180. An ordinance creating a Janitor for the City Hall. December 26, 1883.

No. 181. An ordinance appropriating money to pay for steam fire engine. January 3, 1884.

No. 182. An ordinance to establish an assessment district and to improve North Fourth street from Main to the alley between Main and Rose. January 15, 1884.

No. 183. An ordinance to authorize a deed from the City of Walla Walla to John Markin. February 21, 1884.

No. 184. An ordinance to change the names of certain streets. February 21, 1884.

No. 186. An ordinance to provide for the registration of voters. February 22, 1884.

No. 187. An ordinance to improve Palouse street between East Oak and East Main streets and establish an assessment district therefor. March 4, 1884.

No. 188. An ordinance fixing the time of making assessment and the return thereof. April 1, 1884.

No. 191. An ordinance creating an assessment district for a special purpose. April 15, 1884.

No. 192. An ordinance to improve Palouse street between East Oak and East Main streets and create an assessment district therefor. April 15, 1884.

No. 194. An ordinance to levy taxes for the year 1884. May 27, 1884.

No. 196. An ordinance to open and extend North Sixth street. July 8, 1884.

No. 197. An ordinance to prevent swill and other offensive matter from being removed through the streets and alleys in the day time. July 24, 1884.

No. 198. An ordinance admitting Engine Company No. 3 into the Walla Walla fire department. August 5, 1884.

No. 199. An ordinance to prevent swill and other offensive matter from being carried through the streets and alleys of the city in day time. August 5, 1884.

No. 200. An ordinance providing for the payment of and fixing the pay of the City officers. August 5, 1884.

No. 201. An ordinance to amend Section 2 of Ordinance No. 160. August 12, 1884.

No. 202. An ordinance to repeal Ordinance No. 199. August 12, 1884.

No. 203. An ordinance to transfer money from the license fund to road fund and appropriate the same for street purposes. August 19, 1884.

No. 204. An ordinance to appropriate certain money to pay the City officers. August 19, 1884.

No. 205. An ordinance to provide Rescue Engine Company No. 3 with a steam fire engine, hose and apparatus. August 19, 1884.

No. 206. An ordinance to provide for a license to be granted to retail venders of beer and malt liquors. September 2, 1884.

No. 207. An ordinance to establish an assessment district from which the expense of opening North Sixth street shall be paid. September 2, 1884.

No. 208. An ordinance to prohibit, license and regulate gambling within the City limits of Walla Walla. September 16, 1884.

No. 209. An ordinance relating to the fire department of the City; providing for the employment of engineers. September 19, 1884.

No. 210. An ordinance providing for the payment of and fixing the pay of the City Marshal and his deputies. September 19, 1884.

No. 211. An ordinance authorizing reward for apprehension and conviction of persons who wilfully set fire to buildings. October 7, 1884.

No. 212. An ordinance directing the sale of lots 6 and 7 in block 6, Reeser's Addition, for delinquent taxes. October 7, 1884.

No. 213. An ordinance supplementary of an ordinance entitled, "An ordinance to prohibit and regulate gambling." October 7, 1884.

No. 215. An ordinance to improve North Sixth street from Pine to Elm street. November 7, 1884.

No. 216. An ordinance to appropriate money to pay the execution from the Supreme Court of Washington Territory in the case of T. J. Robinson vs. Mary H. Coffin. November 18, 1884.

No. 220. An ordinance to levy a road poll tax for 1885. April 7, 1885.

No. 221. An ordinance to amend an ordinance entitled, "An ordinance to regulate drinking saloons." April 7, 1885.

No. 222. An ordinance to suppress the unhealthful use of opium. April 7, 1885.

No. 224. An ordinance in relation to animals found running at large. April 21, 1885.

No. 225. An ordinance to vacate Nursery and Center streets. May 19, 1885.

No. 226. An ordinance to levy general and special taxes for 1885. May 22, 1885.

No. 227. An ordinance to appropriate money to aid a Fourth of July celebration. June 2, 1885.

No. 228. An ordinance to appropriate money to entertain the Iowa journalistic party. June 2, 1885.

No. 229. An ordinance to amend an ordinance entitled, "An ordinance regulating drinking saloons." July 28, 1885.

No. 230. An ordinance to create an assessment district to open and extend Dr. Newell, Lincoln and Washington streets. July 28, 1885.

No. 231. An ordinance in relation to animals found running at large. July 28, 1885.

No. 233. An ordinance to fix the pay of City officers. August 4, 1885.

No. 234. An ordinance to provide a license for certain business, trade and occupations. August 11, 1885.

No. 235. An ordinance to establish fire limits and prevent the spreading of fires. August 19, 1885.

No. 238. An ordinance to open and extend Dr. Newell, Lincoln and Washington streets. October 13, 1885.

No. 239. An ordinance to extend, open and establish Palouse street. October 20, 1885.

No. 240. An ordinance supplementary to Ordinance No. 196, to open and extend North Sixth street. October 20, 1885.

No. 241. An ordinance authorizing a conveyance of land from the City of Walla Walla to John Aubin. October 20, 1885.

No. 242. An ordinance to establish the lines of Mill creek at a certain point. October 20, 1885.

No. 243. An ordinance supplementary to Ordinance No. 237. November 3, 1885.

No. 244. An ordinance to amend Section 8 of Ordinance No. 234. January 5, 1886.

No. 245. An ordinance to regulate employes in drinking saloons and prevent dancing therein. February 2, 1886.

No. 246. An ordinance fixing the time of making assessments and the equalization thereof. May 12, 1886.

No. 247. An ordinance to vacate the streets and alleys in Kees addition. May 18, 1886.

No. 248. An ordinance to provide a steward for Our Boys Engine Company No. 3, and fixing his duties. June 15, 1886.

No. 249. An ordinance to appropriate money for trial of cases in Supreme court. June 15, 1886.

No. 250. An ordinance to appropriate money for the payment of certain bills. July 6, 1886.

No. 251. An ordinance to grant S. W. Brasdel the right to erect a system of electric lights. July 6, 1886.

No. 252. An ordinance to fix the salary and pay of City officers. July 6, 1886.

Nos 253-4 An ordinance to appropriate money to pay bills. July 22, 1886.

No. 255. An ordinance to authorize the strawing of Boyer avenue and Park street. September 1, 1886.

No. 256. An ordinance to provide for the board of City prisoners. September 7, 1886.

No. 257. An ordinance to amend Ordinance No 124. September 7, 1886.

No. 258. An ordinance to repair Alder street from Park street to the City limits. September 21, 1886.

No. 259. An ordinance to provide for the City printing. September 21, 1886.

No. 262. An ordinance to accept the work of A. F. Perry in improving Park street. October 5, 1886.

No. 263. An ordinance to fix the pay of policemen. October 19, 1886.

No. 264. An ordinance to transfer money. December 7, 1886.

No. 265. An ordinance to appropriate money to pay for the improvement of Boyer avenue and Park street. December 7, 1886.

No. 266. An ordinance to abolish the license fund. Transferring all money therein to the general fund. January 4, 1887.

No. 267. An ordinance to amend Section 2 of Ordinance No. 234. January 4, 1887.

No. 269. An ordinance to establish fire limits to prohibit the erection, removal or unlawful repair of combustible buildings. March 11, 1887.

No. 271. An ordinance to appropriate a certain sum for the purpose of improving the road leading to the City Cemetery. March 15, 1887.

No. 272. An ordinance to appropriate a certain sum to the Board of Trade. March 23, 1887.

No. 273. An ordinance to authorize the expending of certain sum in improvement of streets. April 5, 1887.

No. 274. An ordinance to provide for the repayment of unexpired licenses. April 5, 1887.

No. 275. An ordinance to authorize the making of a deed to John Louga. April 19, 1887.

No. 276. An ordinance to levy a poll tax for the year 1887. April 19, 1887.

No. 277. An ordinance to provide for the purchase of the lot corner of Third and Rose streets. May 3, 1887.

No. 279. An ordinance to appropriate certain sum to Our Boys Engine Company. May 17, 1887.

No. 280. An ordinance to provide for the erection of a City building. May 28, 1887.

No. 281. An ordinance to appoint and employ a superintending architect during the erection and until the completion of the City Hall building. May 28, 1887.

No. 282. An ordinance authorizing the sale of brick and other personal property now on the City lot on the corner of Third and Rose streets. May 28, 1887.

No. 283. An ordinance to correct the City register of voters to erase the names of all females whose names appear thereon. June 7, 1887.

No. 284. An ordinance authorizing the purchase of certain real estate from Johan Johansen for street purpose. June 7, 1887.

No. 285. An ordinance to accept and approve the assessment roll for the year 1887. June 21, 1887.

No. 286. An ordinance to provide for the appropriation of private property for the purpose of public streets or alleys. (See Ordinance No. 485.) June 21, 1887.

No. 287. An ordinance to levy taxes for the ensuing fiscal year. June 21, 1887.

No. 288. An ordinance to fix the salary and pay of City officers. June 21, 1887.

No. 290. An ordinance to amend Section 9 of Ordinance No. 234, entitled "An ordinance to provide a license for certain business," August 8, 1887.

No. 291. An ordinance to provide for an electric fire alarm system for the City of Walla Walla. August 17, 1887.

No. 292. An ordinance to award the contract for building the bridge across Mill creek at Third street. August 30, 1887.

No. 293. An ordinance to award the contract for removing the present Third street bridge and placing the same in position over Mill creek at the crossing of North Sixth street. August 30, 1887.

No. 294. An ordinance to purchase certain real estate from M. McManamon for a public alley. September 6, 1887.

No. 295. An ordinance to purchase certain real estate from H. M. Chase for street purposes as a part of Palouse street. September 6, 1887.

No. 296. An ordinance to provide for the lighting of the streets of the City. September 20, 1887.

No. 297. An ordinance in relation to the publishing of City ordinances. October 3, 1887.

No. 298. An ordinance to authorize the completion of a bridge on Sixth street. November 15, 1887.

No. 299. An ordinance to establish fire limits to prohibit the erection or repairs of combustible buildings. January 3, 1888.

No. 300. An ordinance to open Military avenue as a public street. January 3, 1888.

No. 303. An ordinance to exempt from license teams engaged exclusively in City work. (See Ordinance No. 349.) March 20, 1888.

No. 304. An ordinance to levy a road poll tax for the year 1888. March 20, 1888.

No. 307. An ordinance to authorize the conveyance of certain real estate to Michael McCarthy. April 17, 1888.

No. 308. An ordinance for the erection of a bell tower. May 1, 1888.

No. 309. An ordinance to repeal an ordinance for the erection of a bell tower. June 5, 1888.

No. 310. An ordinance to assist in celebrating the Fourth of July. June 5, 1888.

No. 311. An ordinance to assist in celebrating the Fourth of July. June 19, 1888.

No. 312. An ordinance to purchase certain real estate for street purposes as a part of Whitman street. June 19, 1888.

No. 313. An ordinance to levy a tax for the ensuing year. June 19, 1888.

No. 314. An ordinance to purchase certain real estate for street purposes, to open and extend Spokane street. June 19, 1888.

No. 315. An ordinance to purchase certain real estate to open and extend a public alley in block 7, Barrons addition. June 19, 1888.

No. 316. An ordinance to authorize the grading of Sixth street from Poplar street to Elm street. June 19, 1888.

No. 321. An ordinance to improve Sixth street. September 4, 1888.

No. 323. An ordinance to provide for City printing. October 17, 1888.

No. 324. An ordinance to license, tax and regulate auctions, auction houses, auctioneers, hawkers and peddlers. November 8, 1888.

No. 325. An ordinance to repeal Ordinance No. 324. November 22, 1888.

No. 326. An ordinance to provide for lighting the streets. November 27, 1888.

No. 327. An ordinance to appropriate a certain sum for the building of a flume on Fourth street from Alder to Main street. December 4, 1888.

No. 328. An ordinance to prohibit grazing animals from running at large within the City limits. (See Ordinance No. 544.) December 18, 1888.

No. 329. An ordinance to award contract for improving East Rose street from Tonchet street to Spokane street. December 18, 1888.

No. 332. An ordinance awarding to C. B. Hopkins a contract for a fire and police alarm. Vetoed.

No. 334. An ordinance to amend Section 3 of Ordinance No. 328. April 2, 1889.

No. 335. An ordinance to authorize the purchase of certain real estate for and as a part of First street. April 16, 1889.

No. 336. An ordinance to regulate the mode of procedure to appropriate lands, real estate or other property by the City for streets and alleys. (See Ordinance No. 485.) April 16, 1889.

No. 337. An ordinance to levy a tax of one mill for street lights. May 7, 1889.

No. 338. An ordinance to provide for the purchase of certain real estate for street purposes and as part of Willow street. May 7, 1889.

No. 339. An ordinance to appropriate money for a proper observance of the national birthday. June 4, 1889.

No. 340. An ordinance to donate a certain sum to the Seattle fire sufferers. June 7, 1889.

No. 340½. An ordinance to levy a tax for the fiscal year. June 18, 1889.

No. 341. An ordinance to amend a contract for Fifth street bridge. June 18, 1889.

No. 342. An ordinance to authorize the conveyance to Abraham Lincoln Post No. 4, G. A. R., certain property in the City cemetery. June 18, 1889.

No. 343. An ordinance authorizing the exchange of real estate with the Hawley brothers. June 18, 1889.

No. 343½. An ordinance to authorize the Mayor to accept from M. F. Jones certain real estate for street purposes. July 2, 1889.

No. 344. An ordinance to authorize the purchase from F. W. Paine certain real estate for street purposes, and as part of Jones street. July 2, 1889.

No. 345. An ordinance to authorize the purchase of horses for the fire department. September 9, 1889.

No. 346. An ordinance to appropriate certain money to Our Boys Hose Team to enable them to compete in the Tacoma tournament. September 9, 1889.

No. 347. An ordinance to prohibit grazing animals. (See Ordinance No 503) October 22, 1889.

No. 349. An ordinance to repeal Ordinance No. 303. February 4, 1890.

No. 350. An ordinance to award contract for grading Poplar street from Tenth street to United States military reservation. February 6, 1890.

No. 352. An ordinance to provide license for certain business. (See Ordinance No. 499.) March 18, 1890.

No. 353. An ordinance authorizing the purchase of rock crusher. March 18, 1890.

No. 354. An ordinance authorizing the purchase of certain real estate from Jacob Betz for street purposes, and as a part of Chestnut street. April 5, 1889.

No. 355. An ordinance authorizing the purchase of certain real estate from Harry Wintler for street purposes, and as a part of Fourth street. April 5, 1890.

No. 356. An ordinance providing for the improvement of Sumach street from Colville street to Idaho street. April 5, 1890.

No. 357. An ordinance providing for the improvement of Touchet street from Sumach street to Cherry street. April 5, 1890.

No. 358. An ordinance providing for the improvement of Cherry street from Tukannon to Idaho streets. April 5, 1890.

No. 359. An ordinance providing for the improvement of Tukannon street from Sumach street to Cherry street. April 5, 1890.

No. 360. An ordinance to levy poll tax for the year 1890. April 14, 1890.

No. 361. An ordinance to authorize the sale of certain property on Fourth street. May 6, 1890.

No. 362. An ordinance to authorize the City to borrow money and contract an indebtedness for the purpose of constructing a system of sewers. (See ordinance No. 377.) May 14, 1890.

No. 363. An ordinance to authorize the City to borrow money and contract an indebtedness for the purpose of constructing or acquiring a system of water works. (See Ordinance No. 378.) May 14, 1890.

No. 364. An ordinance to authorize the contracting and incurring of a City indebtedness. (See Ordinance No. 379.) May 14, 1890.

No. 365. An ordinance to award the contract for the improvement of Touchet street between Sumach and Cherry streets. May 20, 1890.

No. 366. An ordinance to award the contract for the improvement of Cherry street between Tukannon and Idaho streets. May 20, 1890.

No. 367. An ordinance to award the contract for the improvement of Tukannon street between Sumach and Cherry streets. May 20, 1890.

No. 368. An ordinance to award the contract for the improvement of Sumach street between Colville and Idaho streets. May 20, 1890.

No. 369. An ordinance to award the contract for building culverts and boxes on Tukannon, Cherry, Sumach and Touchet streets. May 20, 1890.

No. 370. An ordinance to award the contract for the grading of certain squares and alley crossings. May 20, 1890.

No. 371. An ordinance authorizing the sale to the estate of D. S. Baker of certain property in the City cemetery. June 3, 1890.

No. 373. An ordinance providing for the improvement of Tukanon street from Sumach street to Main street. June 3, 1890.

No. 374. An ordinance to amend Ordinance No. 362. June 3, 1890.

No. 375. An ordinance to appropriate certain money to assist in providing for a proper observance of the national birthday. June 17, 1890.

No. 376. An ordinance to accept and approve the assessment roll for the year 1890. June 17, 1890.

No. 377. An ordinance to authorize the City to borrow money and contract an indebtedness for the purpose of constructing a system of sewerage. June 17, 1890.

No. 378. An ordinance to authorize the City to borrow money and contract an indebtedness for the purpose of constructing or acquiring a system of water works. June 17, 1890.

No. 379. An ordinance to authorize the contracting and incurring of a City indebtedness for municipal purposes. June 17, 1890.

No. 380. An ordinance to provide for the City printing ending June 30, 1890. July 10, 1890.

No. 381. An ordinance to fix the salary and pay of City officers. July 10, 1890.

No. 383. An ordinance to award a contract for the construction of a bridge on Thirteenth street. September 30, 1890.

No. 385. An ordinance to authorize the conveyance of lot 8, block 19, of the original City of Walla Walla to Olive F. Morrill. October 7, 1890.

No. 386. An ordinance providing for the improvement of Fourth street from Birch to Chestnut street. November 18, 1890.

No. 387. An ordinance to award a contract for the construction of stone abutments on Mill creek at Fourth street. November 24, 1890.

No. 389. An ordinance to award the contract for the improvement of Fourth street between Birch street and Chestnut street. December 16, 1890.

No. 390. An ordinance to award the contract for grading certain squares in Fourth street. December 16, 1890.

No. 391. An ordinance authorizing the purchase of certain property for cemetery water purposes. January 12, 1891.

No. 392. An ordinance providing for the improvement of Catherine street from Dr. Newell street to and including Chestnut street. February 13, 1891.

No. 393. An ordinance awarding a contract to construct a stone abutment on the banks of Mill creek on Main street. February 13, 1891.

No. 394. An ordinance for the improvement of Walnut street from Second street to Adella avenue. February 17, 1891.

No. 395. An ordinance for the improvement of Chestnut street from Second street to Chase avenue. February 17, 1891.

No. 396. An ordinance for the improvement of Duluth street from Chestnut street to Walnut street. February 17, 1891.

No. 397. An ordinance authorizing the purchase of certain real estate for street purposes to open and continue Third street. February 17, 1891.

No. 398. An ordinance to award the contract for the grading of Catherine street from the center line of Dr. Newell to the south line of Chestnut street. March 17, 1891.

No. 399. An ordinance to appropriate a certain sum of money for excavating cemetery reservoir. March 17, 1891.

No. 400. An ordinance authorizing the purchase of certain land from John and Viretta Bryant for street purposes and as a part of Whitman street. April 7, 1891.

No. 401. An ordinance awarding the contract for the stone work on cemetery reservoir. April 7, 1891.

No. 402. An ordinance to levy a road poll tax for the year 1891. April 7, 1891.

No. 403. An ordinance to purchase iron pipes for cemetery water works. April 7, 1891.

No. 404. An ordinance to award the contract for grading Duluth street from Chestnut street to Walnut street. April 7, 1891.

No. 405. An ordinance awarding the contract for the grading of Walnut street from Second street to Adella avenue. April 7, 1891.

No. 406. An ordinance awarding the contract for the grading of Chestnut street from Second street to Chase avenue. April 7, 1891.

No. 407. An ordinance to establish fire limits. (See Ordinance No. 524.) April 21, 1891.

No. 408. An ordinance to appropriate certain sums of money to pay for labor employed in excavation of cemetery water line. April 21, 1891.

No. 409. An ordinance providing for the improvement of Touchet street by grading from Sumach street to alley south. May 19, 1891.

No. 410. An ordinance to award a contract for the construction of a stone abutment on Mill creek at Second street. May 19, 1891.

No. 411. An ordinance to award a contract for the construction of a bridge over Garrison creek on Park street. May 19, 1891.

No. 413. An ordinance to award the contract for the grading of Touchet street from Sumach street, to and including the alley south. June 16, 1891.

No. 415. An ordinance to accept and approve the assessment roll for the year 1891, and to levy taxes for the ensuing fiscal year. June 16, 1891.

No. 416. An ordinance to fix the salaries of City officials. July 11, 1891.

No. 418. An ordinance to amend Section 9 of Ordinance No. 352. July 21, 1891.

No. 419. An ordinance to award the contract for City printing, year ending June 30, 1892. July 21, 1891.

No. 420. An ordinance providing for the improvement of Third street from Birch street to Eagan avenue. August 18, 1891.

No. 421. An ordinance awarding the contract for furnishing steel riveted girders for North Second street bridge. August 18, 1891.

No. 422. An ordinance to establish fire limits. (See Ordinance No. 524.) September 1, 1891.

No. 423. An ordinance to authorize the borrowing of money. (See Ordinance 434.) September 15, 1891.

No. 425. An ordinance to award the contract for the improvement of Third street from Birch street to Eagan avenue. October 20, 1891.

No. 426. An ordinance to amend Sections 2 and 3 of Ordinance No. 352, entitled "An ordinance to provide license." (See Ordinance No. 499.) November 3, 1891.

No. 427. An ordinance to award the contract for building a bridge across Mill creek at Second street between Main and Rose streets. November 3, 1891.

No. 428. An ordinance to appropriate a certain sum to purchase for City purposes certain real estate burial ground for dumb brutes. November 17, 1891.

No. 429. An ordinance to provide for the improvement of Washington street from Grove street to Clinton street. November 17, 1891.

No. 430. An ordinance to provide for the improvement of Colville street from East Rose to East Main street. November 17, 1891.

No. 431. An ordinance to award the contract for grading, sidewalking and strawing of Washington street from Grove street to Clinton street. December 7, 1891.

No. 432. An ordinance to award the contract for grading, sidewalking and strawing Colville street from East Main to East Rose streets. December 7, 1891.

No. 433. An ordinance to award the contract for furnishing hay, straw and oats for the year ending December 17, 1892. December 15, 1891.

No. 435. An ordinance to provide for the lighting of streets. January 5, 1892.

No. 436. An ordinance appropriating a certain sum in payment of a judgment in John L. Cook vs. The City of Walla Walla, et al. February 16, 1892.

No. 437. An ordinance to appropriate out of the general fund a certain sum to purchase real estate for street purposes and the opening of Palouse street from East Main to Birch street. February 16, 1892.

No. 438. An ordinance to provide for the improvement of Whitman street from Chandler street to Catherine street. March 1, 1892.

No. 439. An ordinance to award the contract for the improvement of Whitman street from Chandler street to Catherine street. March 19, 1892.

No. 440. An ordinance to levy a road poll tax for the year 1892. April 5, 1892.

No. 441. An ordinance to amend Section 9 of Ordinance No. 422, an ordinance entitled "An ordinance to establish fire limits." (See Ordinance No. 524.) April 5, 1892.

No. 442. An ordinance to authorize the execution of a deed to Kitty D. Caulking of certain real estate. April 19, 1892.

No. 443. An ordinance to authorize the execution of a deed to John G. Muntinga of certain real estate. April 19, 1892.

No. 444. An ordinance to provide for the improvement of Palouse street from East Main street to Craig street. May 3, 1892.

No. 445. An ordinance to award the contract for the improvement of Palouse street from East Main street to Craig street. May 3, 1892.

No. 446. An ordinance to award the contract for the excavation, concrete work and masonry necessary for the construction of abutments Palouse street bridge. June 9, 1892.

No. 447. An ordinance to provide for the improvement of Whitman street, from Division street to Howard street. June 9, 1892.

No. 448. An ordinance to provide for the improvement of Whitman street, from Howard street to Chandler street. June 9, 1892.

No. 449. An ordinance to accept and approve the assessment roll for year 1892. June 21, 1892.

No. 450. An ordinance appropriating certain sums to assist in the celebration of the Fourth of July, 1892. June 28, 1892.

No. 451. An ordinance to award the contract for the City printing for the year ending June 30, 1893.

No. 452. An ordinance to appropriate certain sums to pay for assessment against school property on Whitman street. July 9, 1892.

No. 453. An ordinance to fix salaries of City officials. July 9, 1892.

No. 454. An ordinance to award the contract for the construction of a bridge across Mill creek at Palouse street. July 19, 1892.

No. 455. An ordinance creating the office of Building Inspector, defining the duties of such office. (See Ordinance No. 488.) August 16, 1892.

No. 456. An ordinance to award the contract for the improvement of Whitman street, from Division street to Howard street. October 6, 1892.

No. 457. An ordinance to provide license for certain business. (See Ordinance No. 499.) November 1, 1892.

No. 458. An ordinance providing for the sidewalking of the south side of Alder street, from Park street to the corporation limits. December 13, 1892.

No. 459. An ordinance designating the time for the collection of swill. (See Ordinance No. 495.) January 3, 1893.

No. 460. An ordinance to provide for the improvement of Dr. Newell street, from Howard street to Catherine street. January 3, 1893.

No. 461. An ordinance to award contract for hay, straw and oats for the year 1893. January 3, 1893.

No. 462. An ordinance to provide for lighting the streets. January 17, 1893.

No. 463. An ordinance to award the contract for the improvement of the south side of Alder street, from Park street to the City boundary. February 7, 1893.

No. 464. An ordinance limiting the right to compete for City printing. (See Ordinance No. 514.) February 7, 1893.

No. 465. An ordinance to prohibit the refunding of money paid for license. February 21, 1893.

No. 466. An ordinance to amend Ordinance No. 457, entitled "An ordinance to provide license for certain business." February 21, 1893.

No. 467. An ordinance to award the contract for the grading, sidewalking and strawing of Dr. Newell street. March 7, 1893.

No. 468. An ordinance to levy a road poll tax for the year 1893. March 21, 1893.

No. 470. An ordinance to provide for the payment of license by persons engaged in the laundry business (See Ordinance No. 494.) April 18, 1893.

No. 472. An ordinance providing for the improvement of East Alder street, from Park street to the City limits. May 2, 1893.

No. 473. An ordinance providing for the improvement of Park street, from Whitman street to Craig street. May 2, 1893.

No. 474. An ordinance for the City of Walla Walla to sell a certain piece of land unsuitable for City purposes. May 2, 1893.

No. 475. An ordinance to award the contract for the grading, curbing, sidewalking and strawing of Park street, from Whitman street to Craig street. May 16, 1893.

No. 476. An ordinance to award the contract for the grading of East Alder street, from Park street to the City limits. May 16, 1893.

No. 477. An ordinance to award the contract for grading the sidewalk on the north side of Alder street, from Park street to the City limits. May 16, 1893.

No. 478. An ordinance to award to Levi Malone the contract for covering the City dump. May 16, 1893.

No. 479. An ordinance to appropriate a certain sum to pay for service rendered by Wynkoop Kiersted. June 6, 1893.

No. 481. An ordinance to accept and approve the assessment roll for the year 1893. June 20, 1893.

No. 482. An ordinance to award a contract to James Knott for the construction of a stone arch bridge at Main street. June 20, 1893.

No. 483. An ordinance to fix the salaries of City officials. July 6, 1893.

No. 484. An ordinance to award the contract for the City printing and advertising for the year ending June 30, 1894. July 6, 1893.

No. 485. An ordinance to repeal Ordinance No. 336 of the City of Walla Walla. August 1, 1893.

No. 487. An ordinance to extend the time of payment for the taxes for the year 1892. August 15, 1893.

No. 488. An ordinance to repeal Ordinance No. 455. September 19, 1893.

No. 489. An ordinance to repeal Ordinance No. 209. September 19, 1893.

No. 490. An ordinance to repeal Section 21 of Ordinance No. 457. October 3, 1893.

No. 491. An ordinance to repeal Section 3 of Ordinance No. 347. October 3, 1893.

No. 493. An ordinance to award the contract for the construction of a corporation shed. November 1, 1893.

No. 496. An ordinance authorizing the execution of a deed by the City of Walla Walla to Richard Bogle. January 16, 1894.

No. 497. An ordinance to repeal Ordinance No. 465. February 13, 1894.

No. 498. An ordinance to award the contract for furnishing hay, straw and oats to the City for the year ending February 28, 1895. March 6, 1894.

No. 499. An ordinance to amend Section 4 of Ordinance No. 494, relating to license. (See Ordinance No. 494.) March 20, 1895.

No. 500. An ordinance to repeal Ordinance No. 319. March 24, 1894.

No. 501. An ordinance to appropriate a certain sum as payment for the service of Stratton, Lewis and Gilman. April 3, 1894.

No. 505. An ordinance concerning dogs, returned to the Council without the approval of the Mayor. May 15, 1894.

No. 506. An ordinance authorizing the execution of a deed by the City of Walla Walla to A. P. Pearson and P. P. Pearson. June 8, 1894.

No. 507. An ordinance to appropriate a certain sum in payment of E. S. Clark for printing an official map of Walla Walla. June 19, 1894.

- No. 508. An ordinance to accept and approve the assessment roll for the year 1894. June 19, 1894.
- No. 509. An ordinance to fix the salaries of City officials. July 5, 1894.
- No. 510. An ordinance to provide for the payment of City warrants in order of number and date of issue. August 7, 1894.
- No. 512. An ordinance to provide for the keeping of all moneys of the City of Walla Walla in one fund. August 21, 1894.
- No. 514. An ordinance to repeal Ordinance No. 464. September 18, 1894.
- No. 515. An ordinance to provide for the erection of a bulkhead on the south side of Mill creek between First street and Palouse street. November 20, 1894.
- No. 516. An ordinance to provide for the erection of a bulkhead on the north side of Mill creek between Fourth and Fifth streets. November 20, 1894.
- No. 517. An ordinance to award the contract for the City printing for the year ending June 30, 1895. November 20, 1894.
- No. 518. An ordinance to award the contract for the erection of a bulkhead on the north side of Mill creek abutting on lots one (1) and two (2) in block "C" of the original town. December 11, 1894.
- No. 519. An ordinance to award the contract for the erection of a bulkhead on the south side of Mill creek, between the property of W. D. Smith in block "H" of the original town and the property of the Baker estate, December 11, 1894.
- No. 520. An ordinance repealing Ordinance No. 60. December 18, 1894.
- No. 522. An ordinance to appropriate a certain sum to pay Stratton, Lewis & Gilman for service rendered. March 12, 1895.
- No. 523. An ordinance to appropriate a certain sum to pay Victor Wilson for stenographic work. March 12, 1895.
- No. 525. An ordinance to levy a road poll tax for the year 1895. April 4, 1895.
- No. 526. An ordinance repealing Ordinance No. 72 of the City of Walla Walla. April 4, 1895.
- No. 528. An ordinance repealing Ordinance No. 58. April 16, 1895.
- No. 530. An ordinance to accept and approve the assessment roll for the year 1895. June 20, 1895.

No. 533. An ordinance appropriating a certain sum to pay Dion Keef. June 20, 1895.

No. 534. An ordinance to appropriate a certain sum to pay I. H. Jessup, City Assessor. June 20, 1895.

No. 535. An ordinance appropriating a certain sum to aid the celebration of the Fourth of July, 1895. July 2, 1895.

No. 538. An ordinance to award the contract for a bulkhead under Main street bridge. September 14, 1895.

* No. 539. An ordinance to appropriate a certain sum to pay the Gutta Percha Co., of Portland, Oregon, for hose. October 1, 1895.

No. 540. An ordinance to award the contract for City printing for the year ending June 30, 1896. October 1, 1895.

No. 541. An ordinance appropriating a certain sum in payment of horses purchased. October 1, 1895.

No. 542. An ordinance to amend Section 8 of Ordinance No. 301. (See Ordinance No. 301.) October 1, 1895.

No. 544. An ordinance to amend Section 3 of Ordinance No. 503. (See Ordinance No. 503.) December 3, 1895.

No. 545. An ordinance to authorize the compilation and publication of general laws and the ordinances of the City. January 7, 1896.

No. 548. An ordinance providing for the improvement of Palouse street between Main and Rose streets. February 11, 1896.

No. 549. An ordinance providing for the improvement of Cherry street from Second to Colville streets. March 3, 1896.

No. 552. An ordinance providing for the improvement of Colville street from Cherry to Oak streets. March 3, 1896.

No. 553. An ordinance to repeal Ordinance No. 149. March 3, 1896.

No. 554. An ordinance to repeal Ordinance No. 158. March 3, 1896.

No. 555. An ordinance to repeal Ordinance No. 208 and Ordinance No. 213. March 3, 1896.

No. 556. An ordinance to repeal Ordinance No. 222. March 3, 1896.

No. 559. An ordinance to repeal Ordinance No. 186. March 3, 1896.

INDEX TO CHARTER.

A

	Section	Page
ACCIDENTS—liability of City for.....		25
ADDITIONS—		
to City.....	5	6
power to include within limits.....	104	28
ALLEYS—control over.....	5	7
ANIMALS—to prevent running at large.....	15	10
APPROPRIATIONS—vote necessary for.....	50	17
ASSESSOR.....	27	13
duties of.....	64	20
shall assess lands within assessment districts.....	79	23
ASSESSMENT—		
form of.....	86	24
proceedings in case erroneous.....	65	20
ASSESSMENT DISTRICTS—		
may be established.....	75	21
what shall include.....	76	22
may be created anew.....	78	22

B

BIDS—		
how received	80	23
freeholder may make new.....	82	23
BONDS—shall be approved by Mayor	51	18
BOOKS—official shall be kept at office.....	70	21
BUILDINGS—		
control of public.....	6	7
right to erect public.....	6	7

C

	Section	Page
CEMETERIES—jurisdiction over.....	19	11
CLAIMS—how presented and paid	58	19
CLERK—		
shall be elected.....	27	13
duties of.....	57	19
books to be kept by.....	60	19
CONTRACTS—must be authorized.....	90	25
COUNCIL	25	12
discretion in certain cases final.....	97	26
order in.....	46	17
power to make assessments.....	43	16
shall provide time and place of meeting.	44	16
quorum of	45	17
special session of.....	44	17
must keep journal.....	46	17

D

DEAD—to regulate burial of.....	19	11
DOGS—power to license.....	15	10

E

ELECTIONS—		
time of holding....	28	14
Inspectors and Clerks.....	29	14
notice of.....	30	14
time of opening polls.....	31	14
officers, qualifications of.....	32	14
general laws to govern.....	39	16
returns canvass of.....	34-49	15-17
certificate shall be issued.....	35	15
ELECTORS—qualification of.....	33	15
EMINENT DOMAIN—proceedings to be prescribed by ordinance.....	6-12-99	7-9-27

F

FINE—may prescribe....	22	12
FIRE—		
departments control of.....	4	6
regulations to prevent.....	4	6
FISCAL—year.....	96	26

G

GAS—works.....	10	8
GUN POWDER—to regulate keeping of.....	18	11

H

	Section	Page
HALLS—regulating public.....	9	8
HEALTH OFFICER.....	27	13
HEALTH—regulation.....	14	10
HOUSES—of ill-fame.....	18	11

I

IMPRISONMENT—may be prescribed.....	22	12
IMPEACHMENT—power of.....	27	13
INDEBTEDNESS—limit of.....	105	28

J

JUSTICE—City.....	27	13
jurisdiction of.....	27	13
bond of.....	68	20
reports of.....	68	20

L

LICENSE—		
dogs.....	15	10
trades and occupations.....	16	10
LIEN—for improvements.....	84	23
LIMITS—City.....	1	1

M

MAP—official.....	5	7
MARKETS.....	20	11
MARSHAL—City.....	27-17	13-10
duties of.....	66	20
bonds of.....	66	20
delinquent tax collector.....	66	20
deputies of.....	66	20
records of.....	67	20
MAYOR—		
term of.....	26	12
to preside over Council.....	48	17
Council to appoint in absence of.....	48-55	17-18
communications to Council.....	51	18
power to veto.....	51	18
power to pardon.....	51	18
to sign warrants.....	51	18
to approve bonds.....	52	18
to approve ordinances.....	54	18
MILL CREEK.....	21	11
MISDEMEANORS—to prevent.....	18	11

N

	Section	Page
NAME—corporate.....	I	6
NUISANCE--power to abate.....	9	8

O

OATH—of office.....	38	15
OBSTRUCTIONS—to prevent in creek.....	21	11
OFFICERS—		
compensation of.....	23	12
qualification of election.....	32	14
suspension of.....	27	13
term of.....	27	13
OPIUM—to regulate use of.....	18	11
ORDINANCES—		
approval of.....	54	18
courts shall recognize.....	74	21
power to adopt.....	22	12
passed before charter in force.....	102	27
publication of.....	73	21
recording of.....	73	21
style and requisites.....	72	21
ORDER—in Council.....	47	17

P

PARDON—power of Mayor.....	51	18
PETITION—presumption of regularity.....	100	27
PIPES—use of streets for.....	19	8
POLICE—.....	17	10
POWERS—of City.....	23	6-12

Q

QUARANTINE—.....	14	10
QUORUM—		
what constitutes.....	46	17
powers of.....	50	17

R

RAILWAYS—use of street for.....	10	8
REMONSTRANCE—.....	77	22
RIOTS—to prevent.....	18	11

S

SALARIES—not to be changed.....	27	13
SEAL—City.....	2	6

	Section	Page
SEWERS.....	8-13	8-9
SEXTON—City.....	27	13
SIDEWALKS—		
assessment districts for.....	76	22
maintenance of.....	8	8
STREETS—		
control of	5	7
boundary of	5	7
appropriation of land for.....	6	7
improvement of.....	8	8
lighting of	6	7
cleaning of.....	9	8
assessment districts for.....	76	22
grade of shall not be changed.....	99	27
STREET COMMISSIONER.....	27	13
liability of.....	91	25
SUE—City may.....	2	6
SUED—City may be	2	6
SURVEYOR—City.....	27	13
SURVEYS.....	5	7

T

TAXES—		
delinquent, penalty on	87	24
equalization of.....	86	24
for fire purposes.....	4	6
interest.....	89	25
levy and collection of.....	86	24
lien of.....	89	25
power to levy general.....	3	6
power to collect.....	88	25
regularity presumed.. ..	97	26
road and road poll.....	8	8
TELEGRAPH LINES.....	18	8
TELEPHONE LINES.	10	8
TERM—of office.....	37	15
TREASURER—		
City.....	27	13
duties of.....	61	19
shall keep accounts.....	62	19
report of.....	63	20
TRUSTS—grant of to City.....	101	27

V

	Section	Page
VACANCIES—in office	41	16
VEHICLES—to regulate speed of	18	11
VETO—power of Mayor to	51	18
VOTERS—qualifications of	33	14

W

WATER—for fire purposes	4	6
WATER PIPES	10	1
WATER WORKS	11	9
WARRANTS—how signed	51	18
WARDS—City	98	27

Y

YEAR—fiscal	96	26
-------------------	----	----

INDEX TO GENERAL LAWS.

A

	Section	Page
ACTIONS—limitation of.....	I	159
ADDITIONS TO CITIES.....	743	29
ASSESSMENT OF PROPERTY.....		97
additional in case of error.	I	150

B

BALLOTS.....		63
how marked.....		74
how prepared.....		69
how provided.....		68
BANKS—how assessed.....		108
BONDS—		
of contractors.....	2415	35
for internal improvements.....	2	37
to fund indebtedness.....	712	43
to refund indebtedness.....	2691	48
to fund warrants.....	I	53
BOOTHs—election.....		75
BRIBERY—punishment for.....		90

C

CANDIDATES—how nominated.....		63
CANVASS—of votes.....		83
CHALLENGING—votes.....		80
CONDEMNATION—of lands, procedure.....		143
CONTESTS—election.....		86
CONTRACTORS—shall give bond.....	2415	35

D		
	Section	Page
DAMAGES—		
for change of grade.....	760	33
payment of	765	34
DETAIL—lists for taxation.....		105
DONATION—of land, effect of.....	758	32
E		
ELECTION—contest of.....		86
ELECTIONEERING—prohibited		78
ELECTORS—qualifications of.....		63
EMINENT DOMAIN—right of.....		145
EVIDENCE—copy of plat as ...	755	31
EXEMPTION—from taxation.....		99
F		
FUNDING—indebtedness	705	40
G		
GRADE—change of.....	759	33
H		
HIGHWAYS	746	30
I		
IMPROVEMENTS—bonds for.....	I	49
INDEBTEDNESS—		
City may contract.....	702	39
may be funded.....	705	40
may be validated	706-I	40-155
may be refunded.....	269I	48
INSURANCE COMPANIES—how assessed.....		113
L		
LIBRARIES—public		160
LIMITS—of City, may be reduced.....	I	157
LIMITATION OF ACTIONS.....	I	159
LOANS—City may provide for.....	I	56
M		
MERCHANDISE—how taxed.....		107
MONEY—City may borrow.....	702	39

N

	Section	Page
NOMINATIONS—		
how made.....		63
to be certified.....		64
to be published.....		66

O

ORDINANCES—		
as evidence.....	766	34
how plead.....	767	34
to be recorded.....	766	34

P

PENALTY—on taxes.....		142
PLATS—		
to be recorded.....	743	29
to be acknowledged.....	745	29
defective legalized.....	754	31
to be regulated.....	759	32
POLLS—when opened.....		79
POLLING PLACES.....		73
POLL LIST.....		79
PROPERTY—		
defined for taxation.....		97
how listed for taxation.....		101

R

RAILROADS—how assessed.....		110
RE-ASSESSMENT—in case of error.....	I	150
REDEMPTION OF PROPERTY.....		134
REGISTRATION OF VOTERS.....		90
RETURNS OF ELECTION.....		88

S

SALES—for taxes.....		130
SEWERAGE—City may maintain.....	I	37
STOCK—how listed for taxation.....		108
STREETS—		
City may light.....	I	37
platting of.....	743	29
vacation of.....	749	30
change in grade of.....	759	33

T

	Section	Page
TAXATION—		
of property.....		97
exemption from.....		99
to pay interest on bonds.....	715	44
TAXES—		
collection of.....		116
lien of.....		117
sale of property for		130
penalty on.....		142
TELEGRAPH COMPANIES—how assessed.....		112
TELEPHONE COMPANIES—how assessed.....		112

V

VACANCIES—in nominations.....		67
VACATION—		
of plats.....	749	30
of plats, effect of.....	715	30
of plats, procedure for	752	31
VALIDATION OF INDEBTEDNESS.....	706	40
VOTES—		
how counted.....		81
canvass of.....		83
VOTERS—registration of.....		90

W

WARRANTS—		
may be funded.....	I	53
payment of.....		162
WATER WORKS—		
City may maintain	I	38
may borrow money for.....	704	40

INDEX TO ORDINANCES.

A

	Section	Page
ALLEYS—(see streets)		
to prohibit fast driving in.....		306
ANIMALS—		
to prevent cruelty to.....		200
to prevent running at large.....		238-295
to prevent grazing in street.....		274
ARSON—reward		265
ASSAULT	22	169
ASSESSMENT—		
when made.....		181
manner of.....		313
for street purposes.....	4	196
districts		218
ASSESSOR—City, duties of.....		180-249
ATTORNEY—City, duties of.....		177
AUCTIONEERS—shall not obstruct streets.....		201
AWNINGS—to regulate.....	30	242

B

BATHING—prohibited	18	239
BATTERY—punishment for.....	22	169
BIDS—form of.....	3	199
BIRTHS—shall be reported.....	4	259
BOND—for use of street or sidewalk.....	2	227
BONDS—to authorize issuance of.....		277-280
BLASTING—regulation of.....	21	240
BRIDGES—protection of.....	19	169
BUILDINGS—		
care of City.....		234
to provide for numbering.....		208

Bicycle

242

C

	Section	Page
CARRIAGES—fixing fare of.....		202
CELLARWAYS—to regulate.....	28	242-221
CEMETERY, CITY—		
to be in charge of Sexton.....		251
protection of shrubbery in.....		283
lots in.....		216
to protect against fire.....		230
CHIEF ENGINEER.....	6	235
CHIEF ENGINEER.....	1	245
CHIMNEYS—to be cleaned.....	12	192
CLAIMS—to be presented to Clerk.....	7	175
CLERK, CITY—duties of.....		175-247
CONTRACTS—for street work.....		198
COUNCIL—order in.....		225
COUNCILMEN—apportionment of.....		228
CROSSWALKS.....	13	188
CURBS.....	11	187

D

DANCING—in saloons prohibited.....		279
DEATHS—to be reported.....	5	260
DISEASE—contagious, to be reported.....	3	259
DOGS—to prevent running at large.....		311
DRAINS—shall be enclosed.....	20	239
DRIVING—to prevent fast.....	7	166
DRUNKENNESS—punishment for.....	12	167

E

ELECTRIC WORKS—		
franchise to C. E. Burrows.....		265
franchise to W. W. L. P. & F. Co.....		266

F

FALSE ALARMS—punishment for.....	17	168
FENCES—not to encroach on street.....	22	240
FINES—payment of.....	28	170
FIRE—		
protection against.....	21	169
compelling assistance at.....	13	167
prevention of.....		189
arms, to prevent discharge of.....	13	239
department.....		234-245
limits.....		302
wardens.....		189

INDEX TO ORDINANCES.

355

	Section	Page
FLUES—how built.....	1	189
FLUMES—protection of.....	4	166
FOWLS—to prevent running at large.....		182

G

GAMES OF CHANCE—prohibited in street.....	16	239
GRADES—base of		204
GUN POWDER—to regulate keeping of.....		214

H

HACKS—fixing fares		202
HAY—to provide for housing of.....	16	168
HEALTH—		
to protect		259
officer, duties of.....	31	249
officer, duties of.....	10	261
HORSES—		
to regulate driving of.....	7	166
to be securely hitched.....	20	169
HOTEL RUNNERS—to regulate.....		213
HOUSES—		
disorderly	6	166
of prostitution.....		213

I

IMPEACHMENT—procedure.....		274
INDECENT EXPOSURE—punishment for.....	10	167

J

JUSTICE, CITY.....		172
accounts of.....	3	172
bond of.....	2	172
shall issue warrants.....	4	173

L

LICENSE.....	1	165
dogs.....		311
liquor.....		264
trades and occupations		290
LIQUORS—to prevent disposal on election day...		212

M

MAIN STREET—grade of.....		207
---------------------------	--	-----

	Section	Page
MARSHAL, CITY—		
duties of		173-248-316
to board prisoners		298
to appoint deputies.....	3	203
MAVOR—		
duties of.....	1	246
pardoning power.....	33	171
may declare quarantine.....	19	263
shall sign warrants.....	10	176
MILL CREEK—		
to protect channel		165-226-210-276
to provide for breakwater in... ..		250
MINORS—		
to prohibit presence at games of chance....		220
to regulate		301
MONUMENTS OF SURVEY—protection of.....		200
N		
NAME OF CITY.....		164
NUISANCE—		
defined	2	165
abatement of... ..	30	171
no notice of required	1	211
to prohibit public.....		244
O		
OFFENSES—defining.....		165
OFFICERS—		
trial of.....		274
shall not contract without order.....		210
OPIUM—to prevent use of.....		219-223
ORDER—in council.....		225
ORDINANCES—		
publication of... ..		294
to provide for compilation of.....		310
P		
PEACE—disturbing.....	25	169
PERSON—to prohibit exposing.....	10	167
PLATS OF ADDITIONS.....	5	238-310
POLES—to protect.....		275
POLICE.....		202
salary of.....		299
resisting	14	168

INDEX TO ORDINANCES.

357

	Section	Page
POLL TAX.....	8	181
POUNDMASTER—appointment of.....		308
PRISONERS—		
to be worked.....		192
to be boarded by Marshal.....		298
PRIVY VAULTS.....		289
PROFANITY—prohibited in street.....	12	239
PUBLIC PROPERTY—protection of.....		194

Q

QUARANTINE	19	263
------------------	----	-----

R

RAILWAY—		
right of way to W. W. & C. R. Co.....		203
right of way to M. C. F. & M. Co		233
right of way to O. R. & N. Co.....		236-268-272-305
right of way to W. W. L. P. & F. Co		267
right of way to O. & W. T. Co		269
right of way to H. E. Johnson et al.		270
right of way to H. P. Isaacs		305
RECORDS—to be kept by Clerk.....	4	175

S

SALARIES		307
SALOONS—to regulate.....		279-288
SEAL OF CITY		164
shall be affixed by Clerk.....	11	176
SEXTON—duties of		251
SIDEWALKS—		
to prevent driving on.....	8	166
to protect.....	11	167
to abolish signs over.....		209
manner of construction.....	12	187
manner of construction.....	26	241
to be clear of snow and ice.....		208
to prevent obstruction of.....		210
use for building purposes.....		227
to prevent use of vehicles on	38	242
repair of.....		253
to prevent animals trespassing on.....		283
SIGNS—to prohibit over walk	31	242-209
SNOW—to be cleared from walks.....	24	240-208
SPARK CATCHERS.....	18	168
SPARK CATCHERS	13	192

	Section	Page
STREETS.....		184-237-186
cleaning of.....		183
grade of.....	9	186-237
how graveled.....	14	188
sprinkling of.....	16	188
improvement of.....		195-218
to prevent obstruction of.....		201-210
use of for building purposes.....		227
use for telegraph and telephone poles.....		231
to prevent loitering on.....	43	243
when graded, City shall keep in repair.....		263
grade of Seventh.....		273
to provide for lighting		309
SURVEYOR, CITY—duties of.....	16	248
SURVEYOR, CITY—duties of.....	6	186
SWILL—collection of.....		294

T

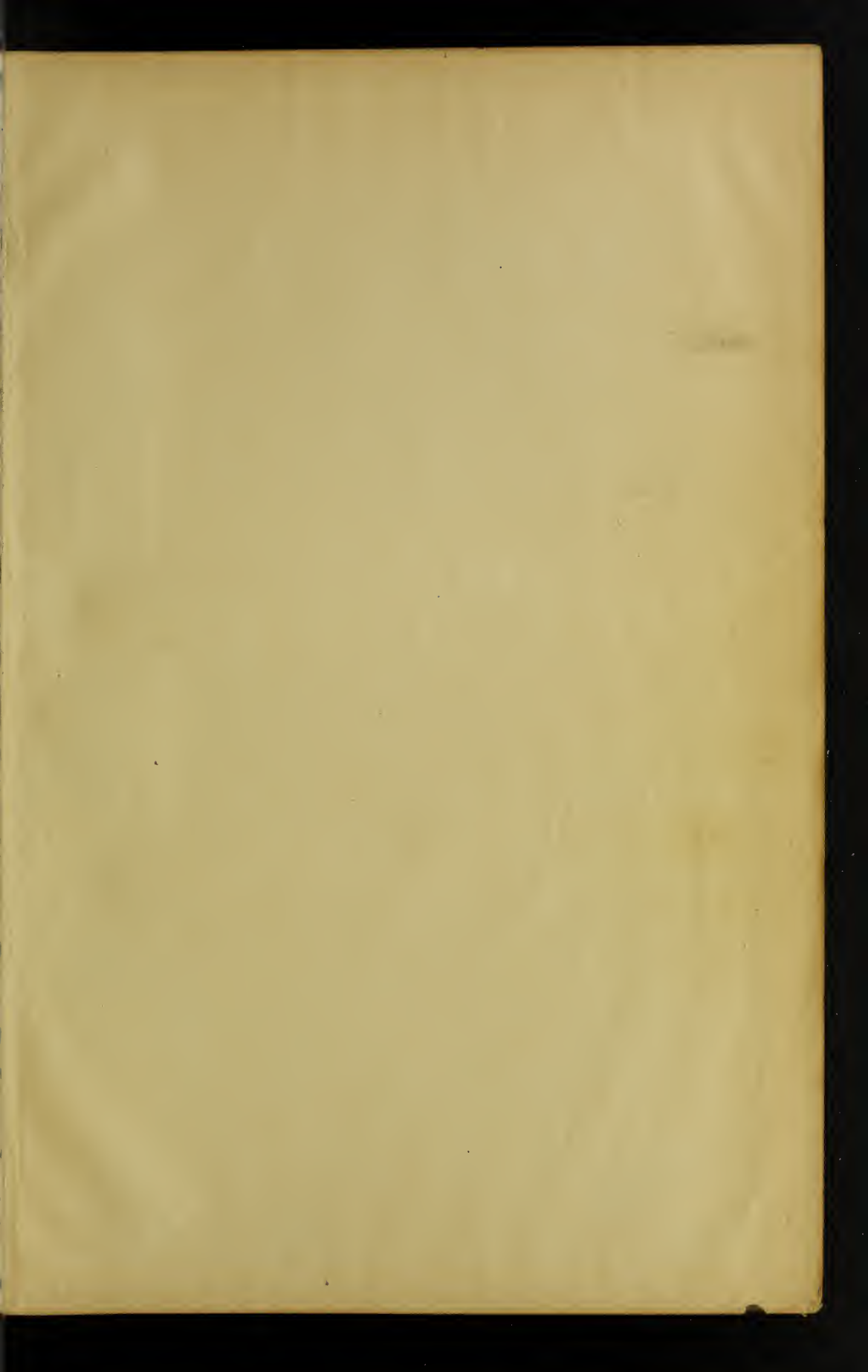
TAXES—		
levy of.....		180-313
Treasurer shall receive.....	2	178
TELEGRAPH AND TELEPHONE—to regulate		
use of.....		231
TELEPHONE—franchise to C. A. Hopkins.....		257
THEATERS—to regulate.....		271
THISTLES—protection against.....	26	170
TREASURER, CITY—duties of		178
TREES—where planted.....	15	188
where planted	25	241
protection of.....		194

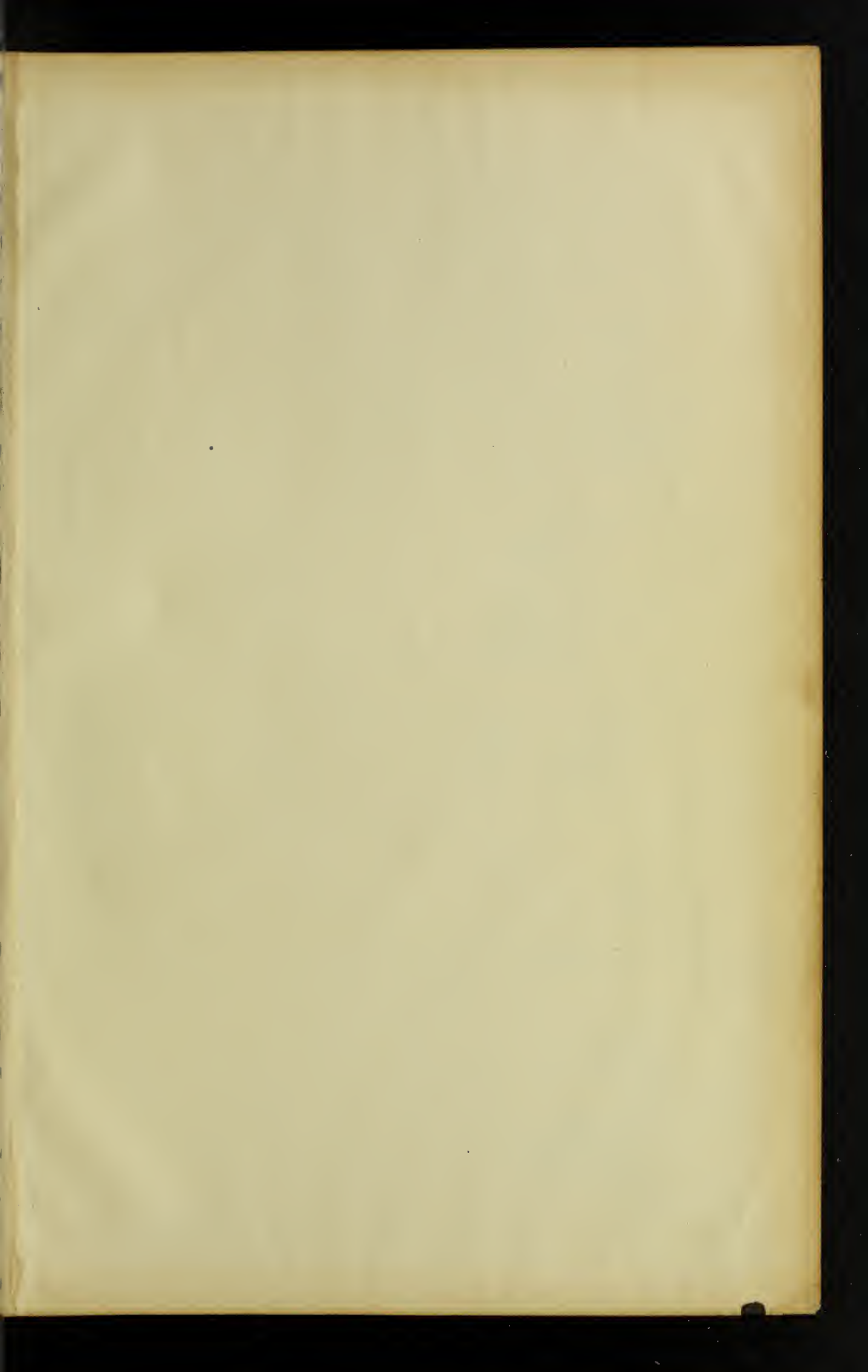
V

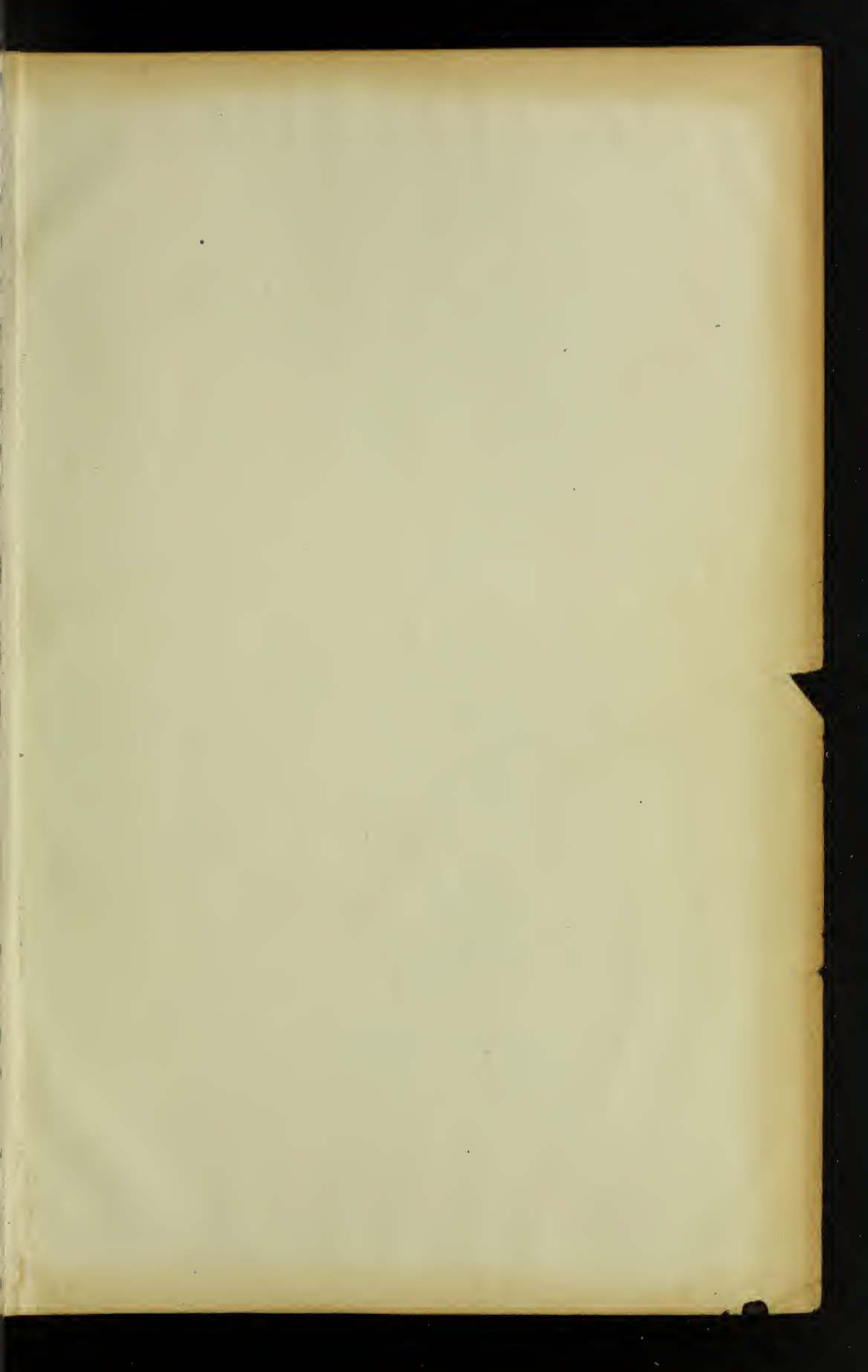
VARIETY SHOWS—to regulate		271
VEHICLES—not to be left in street	8	238
VELOCIPEDE—riding on sidewalk prohibited....	32	171

W

WARRANTS—		
drawn by Clerk.....	8	175
paid by Treasurer	5	178
payment of.....		299
WARDS—division of City into		228
WATER COMPANY—		
right to use of streets		232
contract with		254
WATER WORKS—to provide for construction of		284
WEAPONS—		
to prohibit carrying of.....	9	166
to prohibit carrying of.....	27	170







Page 183-

Costs of ST Corn - 185-

Duties of ST Corn 184-

" " " " 249-

Obstructing Side Walks 243

" " " " 167-11



Made in Italy

05-14 STD



8 032919 991409

www.colibrisystem.com

UNIVERSITY OF ILLINOIS-URBANA



3 0112 098431932